

JOURNAL

OF THE

SESSION OF 1870-71

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF ALABAMA,

HELD IN THE

CITY OF MONTGOMERY,

COMMENCING ON THE 21st NOVEMBER, 1870.

WITH AN INDEX,

PREPARED BY THE SECRETARY OF STATE.

MONTGOMERY, ALA.:

W. W. SCREWS, STATE PRINTER.

1871.

BLANK PAGE

JOURNAL.

MONTGOMERY, ALABAMA, }
MONDAY, November 21, 1870. }

This being the third Monday of November, the day fixed by law for the meeting of the General Assembly of the State of Alabama, the House of Representatives convened in the Hall of the House, at the Capitol, in the city of Montgomery.

On motion of W. C. Oates,

John P. Hubbard, of Pike, was requested to act as temporary Speaker, S. B. Brewer, of Montgomery, as temporary Clerk, and Patrick Doran, of Montgomery, as temporary Door-keeper.

Upon the call of the counties, the following members enrolled their names, were qualified, and took their seats :

Autauga—Charles S. G. Doster.

Barbour—Jacob Black, Thomas J. Clark, T. H. Diggs.

Bibb—T. J. Smitherman.

Blount—A. P. Payne.

Bullock—D. A. McCall, L. S. Speed.

Butler—J. L. Powell.

Calhoun—James Crook.

Chambers—Jonathan Ware, R. B. Lumpkin.

Clarke—H. C. Grayson.

Clay—J. H. White.

Cherokee—James H. Leath.

Choctaw—G. Frank Smith.

Cleburne—Wilson P. Howell.

Coffee—John G. Moore.

Conecuh—J. W. Etheridge.

Coosa—Wm. L. Johnson.

Covington—C. J. Mancill.

Crenshaw—W. P. Callaway.

Dale—J. M. Carmichael.

Dallas—George F. Marlowe, Jr., Jere Haralson, R. Johnson, H. Cochran.

DeKalb—John. B. Appleton.

Franklin—W. W. Weatherford, John A. Steele.

Greene—Israel G. Smith, James M. Bullock.

Hale—George M. Duskin, James K. Green.

Henry—Wm. C. Oates.

Jackson—W. F. Hurt, J. H. Cowan.

Jefferson—G. W. Hewitt.

Lauderdale—B. F. Taylor.

Lawrence—J. B. Speake, P. P. Gilchrist.

Lee—Sheldon Toomer, J. M. Simms.

Limestone—Charles W. Raisler.

Lowndes—John Nininger, William Gaskin.

Macon—William Alley.

Madison—Francisco Rice, William M. Lowe, J. W. Grayson.

Marengo—Lewis C. Carlin, C. W. Dustan, Levi Wells.

Marion—Albert J. Hamilton.

Marshall—R. K. Boyd.

Mobile—Henry T. Toulmin, Oliver J. Semmes, Nat Strauss, James McDermott, George H. Ellison.

Monroe—J. M. Lindsay.

Montgomery—George A. Harmount, Paul Strobach, Holland Thompson, H. H. Craig, L. J. Williams.

Morgan—Jackson Gunn.

Perry—James H. Graham, A. H. Curtis.

Pickens—William Murrah, D. C. Hodo.

Pike—John P. Hubbard.

Randolph—J. H. Davis, Sr.

Shelby—Burwell B. Lewis.

St. Clair—Leroy F. Box.

Sumter—E. W. Smith, J. H. Holmes, J. A. Mooring.

Talladega—A. C. Wood, George W. Braxdall.

Tallapoosa—J. F. Ashurst, W. D. Bulger.

Tuskaloosa—W. S. Wyman, N. N. Clements.

Walker—L. C. Miller.

Wilcox—J. S. Perrin, Wm. Henderson, Thomas McCaskey.

Winston—John Taylor.

On motion of Mr. Oates,

The House adjourned till 10 o'clock a. m. to-morrow.

TUESDAY, November 27, 1870.

The House met pursuant to adjournment.

Journal of yesterday read and approved.

The roll being called, the following members answered to their names :

Messrs. Alley, Appleton, Ashurst, Benson, Black, Box, Boyd, Braxdall, Bulger, Bullock, Callaway, Carlin, Carmichael, Clark, Clements, Cochran, Cowan, Craig, Crook, Curtis, Davis, Diggs, Doster, Dozier, Duskin, Dustan, Ellison, Etheridge, Gaskin, Gee, Gilchrist, Graham, Grayson of Clark, Grayson of Madison, Green, Gunn, Hamilton, Haralson, Harmount, Henderson, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hubbard, Hurt, Johnson of Coosa, Johnson of Dallas, Leath, Lewis, Lindsay, Lowe, Lumpkin, McCall, McCaskey, McDermott, Mancill, Marlowe, Miller, Moore, Mooring, Murrah, Nininger, Oates, Payne, Perrin, Powell, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Speed, Steele, Strauss, Strobach, Taylor of Lauderdale, Taylor of Winston, Thompson, Toomer, Toulmin, Ware, Weatherford, Wells, White, Williams, Wood and Wyman.

The House proceeded to the election of a Speaker.

Mr. Toulmin nominated Mr. Hubbard.

Mr. Hubbard alone being in nomination, and having received all the votes cast, viz., eighty-eight, was declared duly elected Speaker of the House of Representatives.

On motion of Mr. Strobach,

A committee of two, consisting of Messrs. Strobach and Lindsay, was appointed to notify Mr. Hubbard of his election and escort him to his seat.

The committee having discharged their duty,

On motion of Mr. Oates,

Mr. Moore administered the oath of office to Mr. Hubbard, and he entered upon the discharge of the duties of his office as Speaker.

Mr. Oates moved that the House adjourn till 10 o'clock tomorrow ;

Lost.

On motion of Mr. Smith, of Greene,

The House adjourned till 2 o'clock this evening.

EVENING SESSION.

November 22, 1870.

The following members, after registering their names, were duly qualified and took their seats:

Baldwin—O. S. Holmes.

Bullock—G. M. Drake.

Dallas—Edward Gee.

Elmore—B. F. Benson.

Macon—Henry St. Clair.

Perry—John Dozier.

Russell—Horace King, B. M. Henry.

The House proceeded to the election of a Clerk.

Mr. Hewitt nominated Mr. Ellis Phelan, of Jefferson.

Mr. Speed nominated Mr. Walton B. Harris, of Russell.

On casting up the vote, it appeared that Mr. Phelan had received seventy-one votes, and Mr. Harris seven.

Those who voted for Mr. Phelan are—

Messrs. Speaker, Appleton, Ashurst, Black, Box, Boyd, Bulger, Bullock, Callaway, Carmichael, Clements, Cochran, Cowan, Crook, Davis, Diggs, Etheridge, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Haralson, Harmount, Henry, Hewitt, Hodo, Holmes of Baldwin, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Lewis, Lindsay, Lowe, Lumpkin, McCall, McDermott, Mancill, Marlowe, Miller, Moore, Mooring, Murrah, Oates, Payne, Powell, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, St. Clair, Steele, Strauss, Strobach, Taylor of Lauderdale, Thompson, Toomer, Toulmin, Ware, Wells, White, Williams, Wood and Wyman—71.

Those who voted for Mr. Harris are—

Messrs. Carlin, Dustan, Gaskins, Henderson, King, Perrin and Speed—7.

Mr. Phelan having received a majority of the whole vote cast, was declared elected Clerk of the House of Representatives.

The House proceeded to elect an Assistant Clerk.

Mr. Bulger nominated Mr. Charles F. Ashurst, of Tallapoosa.

Mr. Speed nominated Mr. Walton B. Harris, of Russell.

Those who voted for Mr. Ashurst are---

Messrs. Speaker, Appleton, Ashurst, Benson, Box, Boyd, Bulger, Bullock, Callaway, Carmichael, Clements, Cochran,

Cowan, Crook, Davis, Ellison, Gilchrist, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Haralson, Henry, Hewitt, Hodo, Holmes of Baldwin, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Leath, Lewis, Lindsay, Lowe, Lumpkin, McDermott, Mancill, Marlowe, Miller, Moore, Mooring, Murrah, Nininger, Oates, Payne, Powell, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Thompson, Toomer, Toulmin, Ware, White, Wood and Wyman—65.

Those who voted for Mr. Harris are—

Messrs. Carlin, Diggs, Harmount, King, Speed, St. Clair and Williams—7.

Mr. Ashurst having received sixty-five votes, which is a majority of the whole vote cast, was declared elected Assistant Clerk of the House of Representatives.

On motion of Mr. Crook—

House adjourned till 11 o'clock to-morrow morning.

WEDNESDAY, November 23, 1870.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Murrah of the House.

Mr. N. D. Stanwood, from the county of Lowndes, having registered his name, was qualified and took his seat.

Mr. Strobach offered the following resolution, which was lost:

Resolved, That the positions of Assistant Door-keeper, one Messenger, one Hall Tender, and one Page, shall be filled by Republicans.

The House proceeded to elect a Door-keeper.

Mr. Raisler nominated Mr. Robert C. Clarke, of Elmore.

Mr. Dustan nominated Mr. Walton B. Harris, of Russell.

Those who voted Mr. Clarke are—

Messrs. Speaker, Appleton, Ashurst, Benson, Box, Boyd, Bulger, Bullock, Callaway, Carmichael, Clark, Clements, Cochran, Cowan, Crook, Davis, Doster, Duskin, Etheridge, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Harmount, Henry, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Leath, Lewis, Lindsay, Lowe, Lumpkin, McDermott, Miller, Moore, Mooring, Murrah, Nininger, Oates, Payne, Powell, Raisler, Rice, Semmes, Simms, Smith of Choctaw,

Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Taylor of Lauderdale, Thompson, Toomer, Toulmin, Ware, Weatherford, Wood and Wyman—66.

Those who voted for Mr. Harris are—

Messrs. Alley, Braxdall, Carlin, Curtis, Dozier, Dustan, Gaskins, Gee, Green, Haralson, Johnson of Dallas, King, McCaskey, Marlowe, Perrin, Speed, St. Clair, Stanwood, Strobach, Taylor of Winston and Wells—21.

Mr. Clark having received sixty-six votes, which being a majority of the whole vote cast, he was declared duly elected Door-keeper of the House of Representatives.

Mr. Oates offered the following resolution,

Which was adopted:

Resolved, That a committee of nine members be appointed by the Speaker, to prepare and report at the earliest practicable moment, permanent rules for the government of this house.

The following were appointed said committee, viz :

Messrs. Oates. Toulmin, Hewitt, Johnson of Coosa, McCall, Bullock, Dustan, Thompson and Rice.

Mr. Dustan offered the following resolution,

Which was adopted :

WHEREAS, His Excellency U. S. Grant, President of the United States, has appointed Thursday, November 24th, as a day of thanksgiving; and, whereas, it becomes all men, on occasions like these, to render up thanks to Almighty God for the blessings we now enjoy, as a great, free, happy and united nation; therefore,

Be it resolved by the House of Representatives of the State of Alabama, That when we adjourn this day, it be until ten o'clock on Friday next.

Mr. Toomer offered the following :

Resolved, That a special committee of seven be appointed by the Speaker, to arrange and designate permanent seats for the members of this House.

Mr. Harmount moved to amend, by adding the words, "and that the different delegations in this House, shall be seated by counties."

The amendment was adopted, and, as amended, the resolution was then adopted.

The committee, under the resolution, consists of

Messrs. Toomer, McCall, Hurt, Mancill, Murrah, Semmes and Strobach.

Mr. Doster offered the following resolution :

Resolved, That the Door-keeper be authorized to employ two pages for the House.

Mr. Strobach moved to amend by striking out "Door-keeper," and inserting "Speaker."

Mr. Hewitt offered the following as a substitute :

Resolved, That the Door-keeper be instructed to appoint an Assistant Door-keeper, and as many pages as may be necessary for the speedy dispatch of business ;

Lost.

The House refused to adopt the amendment, and the resolution was adopted.

Mr. Crook offered the following resolution, which was adopted :

Resolved, That the courtesies of the House be extended to the reporters of the press.

Mr. Murrah offered the following resolution,

Which was adopted:

Resolved, That the Speaker be, and he is requested to appoint a committee of three to wait on the clergy of all denominations in this city, and invite them to perform the duties of Chaplain to the House during the present session.

The Speaker appointed Messrs. Murrah, Smith of Greene and Appleton, said committee.

The House proceeded to elect an Engrossing Clerk.

Mr. Crook nominated Mr. Thos. Taylor, of Lee.

Mr. Di stan nominated Mr. James W. Caldwell.

Those who voted for Mr. Taylor are—

Messrs. Speaker, Appleton, Ashurst, Benson, Box, Boyd, Bulger, Bullock, Calloway, Carmichael, Clements, Cochran, Cowan, Craig, Crook, Curtis, Davis, Doster, Duskin, Ellison, Ethridge, Gilchrist, Graham, Grayson, of Clark, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, King, Leath, Lewis, Lindsay, Lowe, Lumpkin, McDermott, Mancill, Miller, Moore, Mooring, Murrah, Oates, Payne, Powell, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Thompson, Toomer, Toulmin, Ware, Weatherford, White, Wood and Wyman—70.

Those who voted for Mr. Caldwell are—

Messrs. Carlin, Dozier, Dustan, Gaskin, Gee, Green, Haralson, Henderson, Johnson of Dallas, Perrin, Speed, St. Clair, Stanwood, Strobach and Williams—15.

Mr. Taylor having received a majority of the whole vote cast, seventy, was declared elected Engrossing Clerk of the House of Representatives.

Mr. Murrah offered the following resolution,
Which was lost :

Resolved, That there be elected by this House an Enrolling Clerk, whose pay shall commence when he enters upon the discharge of his duties, and said Enrolling Clerk shall give notice to the chief clerk of his House when he enters upon the discharge of his duties as Enrolling Clerk.

Mr. Hodo offered the following resolution,
Which was adopted :

Resolved, That the clerk inform the Senate that the House of Representatives has organized by electing John P. Hubbard, Speaker, Ellis Phelan Clerk, Chas. F. Ashurst Assistant Clerk, Thos. Taylor Engrossing Clerk, and R. C. Clark Door-keeper, and is now ready to proceed to business.

Mr. Doster offered the following resolution :
Which was adopted.

Resolved, That the Speaker of the House appoint a committee of three, to act in conjunction with a committee appointed by the Senate, to wait upon His Excellency the Governor, and inform him that the Legislature is organized for the dispatch of public business, and ready to receive any communication he may think proper to make.

Messrs. Doster, Oates and Lowe were appointed said committee.

Mr. Hewitt offered the following resolution ;
Which was adopted :

Resolved, That the rules of the House of Representatives of 1869 and 1870 be adopted as the rules of this House, until otherwise ordered.

Mr. Lewis offered the following resolution :

Resolved, That the credentials of Geo. W. Braxdall, Esq., claiming a seat as a member of this House, as one of the representatives from Talladega county, together with a transcript of the proceedings of contestation had and begun before the clerk of the circuit court of said county, by A. Cunningham, in favor of Taul Bradford, Esq., and the proof taken therewith. be referred immediately to a special committee of five, to be appointed to examine and report upon the legality of the election of said Geo. W. Braxdall, and the proceedings of contestation, with powers to send for persons and papers.

Mr. Harmount offered the following as a substitute ;

Which was lost :

Resolved, That all matters connected with contestation of seats in this House shall be referred to the Judiciary Committee of this House, when appointed.

The resolution was adopted,

And the Speaker appointed Messrs. Lewis, Crook, Toomer, Duskin, and Graham said committee.

Mr. Toomer offered the following resolution ;

Which was adopted :

Resolved, That the Secretary of State be requested to furnish each member of this House, who shall desire it, with a copy of the Revised Code of the State of Alabama, and also with a copy each, of the session acts of 1868 and '69, and 1869 and '70, taking the receipt of each member for said books, to be returned at the end of the session.

Mr. White offered the following resolution ;

Which was laid on the table :

Resolved, That the Door-keeper be requested to furnish the desks with keys.

On motion of Mr. Oates—

The House adjourned till half-past 2 o'clock, p. m.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Toomer, from the special committee for the arrangement of seats of members of the House, reported that the committee had discharged the duty, and requested that all members having keys, other than those assigned them by the committee, return them to the Door-keeper.

Mr. Smith of Choctaw, moved to recommit so much of the reports as pertained to the returning of keys.

The motion to re-commit was laid on the table ;

And the report was concurred in.

On motion of Mr. Dustan—

The House took recess of ten minutes.

At the expiration of the ten minutes, the House proceeded to call the counties.

Mr. McCall introduced a bill—

For the relief of delinquent tax payers ;

Which was read the first and second times under a suspension of the constitutional rule.

Mr. Hurt moved to amend, by striking out "January," and inserting "March";

The amendment was adopted;

And the bill read the third time, under a further suspension of the constitutional rule.

Mr. Doster moved to reconsider the vote by which the bill was ordered to its third reading;

Lost.

The bill passed.

Mr. Oates introduced a bill—

To restrict the sale of personal property in certain cases;

Which was read once, and ordered to a second reading on to-morrow.

On motion of Mr. Mancill—

The House adjourned till Friday morning 10 o'clock.

—

FRIDAY, November 25th, 1870.

House met pursuant to adjournment.

Prayer by Mr. Murrah.

Journal read and approved.

Mr. Wm. H. Kennedy, of Fayette, enrolled his name, was qualified, and took his seat.

CALL OF THE COUNTIES.

Mr. Doster introduced a bill—

To amend section 69 of an act entitled "An act to regulate elections in this State."

Mr. Smith, of Choctaw, a bill—

To amend section 1283 of the Revised Code of Alabama.

Mr. Carraway, a bill—

To amend section 1282 of the Revised Code of Alabama.

Mr. Carmichael, a bill—

To repeal an act entitled "An act to suppress murder, lynching, and assaults and batteries."

Mr. Oates, a bill—

To protect the rights of innocent purchasers in certain cases.

Mr. Hewitt, a bill—

To repeal an act entitled "An act to authorize the publi-

cation of the laws of the State of Alabama," approved October 10th, 1868.

Mr. Toomer, a bill—

For the relief of James W. Powers, of Lee county.

The same, a bill—

To make appropriations for the fiscal year ending September 30th, 1871.

Mr. Raisler, a bill—

To repeal an act to amend an act entitled "An act to establish revenue laws for the State of Alabama."

Mr. Rice, a bill—

To compel administrators, executors, and guardians, to make final settlements.

Mr. Corbin, a bill—

To incorporate the Eagle Hook and Ladder Company No. 1, of the city of Demopolis, Alabama.

Mr. Boyd, a bill—

To amend section 3733 of the Revised Code of Alabama.

The same, a bill—

To provide for the pay of the officers and members of the present General Assembly.

Mr. Strauss, a bill—

To amend section 12 of the act entitled "An act to organize the Municipal government of the city of Mobile, and to provide for the election of the officers thereof."

Mr. Graham, a bill—

To repeal section 21 of an act entitled "An act to establish a new charter for the town of Marion, in the county of Perry."

Mr. Bulger, a bill—

For the securing of agricultural laborers in their wages.

Mr. Perrin, a bill—

To reduce the pay of the members of the General Assembly of Alabama.

Mr. McCall, a bill—

To amend section 2 of an act entitled "An act to amend an act entitled 'An act to establish revenue laws for the State of Alabama.'"

Which bills were severally read the first time, and ordered to a second reading on to-morrow.

Mr. Oates introduced a bill—

To repeal an act to regulate the appointment of overseers and supervisors of public roads in the county of Henry ;

Which was read the first, second and third times under a suspension of the constitutional rule, and passed, and ordered forthwith to the Senate.

Mr. Oates offered the following resolution ;

Which was adopted, and ordered forthwith to the Senate :

Resolved, (with the concurrence of the Senate), That the two Houses of the General Assembly will assemble in the Hall of the House of Representatives on this, the 25th instant, at 2 o'clock p. m., for the purpose of opening and publishing the votes cast in the recent general election for Governor, Lieutenant Governor, Secretary of State, Attorney General and State Treasurer.

Mr. Lowe introduced a bill—

To amend section 14 of an act entitled an act in relation to the chancery courts in Alabama, approved August 12, 1868 ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Curtis introduced a bill—

To remove the disabilities of non-age from Eliza L. Wallace, of Perry county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and lost.

Mr. Oates, from the special committee on rules for the government of the House of Representatives, made the following report as coming from a majority of the committee :

That the committee recommend the adoption of the rules in use at the session in 1869-70, with the following amendments :

In rule 20 strike out all after the word “ or,” where it first occurs in the fourth line, and insert the words “ within one hour after the assembling of the House on the next succeeding day.”

In rule 21, strike out the third and fourth lines and insert the words “ until the time allowed in the last preceding rule for reconsideration shall have elapsed.”

A minority of the committee reported through Mr. Oates as follows :

The minority of your committee to prepare and report rules for the permanent government of the House, dissent from the report of the majority in this, to-wit :

In the opinion of the undersigned, the 23d rule, which reads, "The Speaker shall appoint committees, unless otherwise directed by the House, and no standing committee shall consist of more than nine members," should be made to read as follows: "The Speaker shall appoint committees, unless otherwise directed by the House, and the standing committees, when appointed, may select their own permanent chairmen or presiding officers respectively; but no such committee shall consist of more than nine members."

Disclaiming any reflections upon, and expressing their entire confidence in the ability and integrity of the Speaker, the undersigned submit to the House the perfect fairness and republican character of said rule, as they desire it adopted. As consistent with the spirit and progress of the age, they insist that those who labor in the performance of the onerous and arduous duties of committee men, should at least be permitted to designate the member of their respective bodies who, in their judgment, is best qualified and most acceptable to them to preside over their deliberations, and to deny them this privilege would not only be anti-republican in principle, but would be a reflection upon the intelligence of the committee men. Is the judgment of one man superior to that of nine? Is a legislative body, which has power to make and unmake laws, to be controlled by custom, like a court of common law?

Hoping that the House will not adopt as a whole the report of the majority, they most respectfully offer the rule as set forth in this report as a substitute for said rule No. 23, as set forth in the majority report.

Respectfully submitted.

FRANCISCO RICE of Madison,
W. C. OATFS, of Henry.

The committee unanimously recommended the publication of two hundred copies of said rules in pamphlet form, when adopted, for equal distribution among the members of the House.

The majority report was adopted.

Mr. Oates gave notice of his intention to move to amend rule 23 in the manner suggested by the minority of the committee.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

I am instructed by the Senate to inform the House that it is now organized and ready to proceed to business.

Mr. Speaker announced the following as the Committee on Privileges and Elections :

Messrs. Smith of Sumter, Carmichael, Toomer, Semmes, Lowe, Taylor of Lauderdale, Strobach, Dustan and Henderson.

Mr. Moore offered the following resolution ;

Which was adopted :

Be it resolved by the House, That the certificates of members be referred to the Committee on Privileges and Elections, with instructions to report to-morrow.

Mr. Smith of Choctaw offered the following resolutions ;

Which were adopted :

Resolved, That the Committee on Privileges and Elections be and they are hereby directed to inquire whether any of the members of this House held any lucrative office at the time of his election, or now holds the same under the United States or under this State, or any other State or government, except representative, post-master, office in the militia, to whose office no salary is attached, justice of the peace, member of the court of county commissioners, notary public and commissioner of deeds ; and that said committee report the name of such member or members respectively, and the office or offices so held by him or them to, this House as early as practicable.

Resolved, That in the prosecution of this inquiry said committee shall have power to send for persons and papers.

The bill—

To restrict the sale of personal property in certain cases, was taken up, read the second time and referred to the Judiciary Committee, when appointed.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

I am instructed by the Senate to transmit herewith a message in writing from the President of the Senate to the Speaker of the House.

M. P. BLUE,
Secretary of Senate.

SENATE CHAMBER,
Montgomery, November 25, 1870. }

Hon. John P. Hubbard,

Speaker House of Representatives :

SIR: I have the honor to request the presence of your honorable body in the Senate Chamber on Saturday, (to-morrow) next, at 1 o'clock p. m., for the purpose of witnessing the opening, counting and proclaiming the result of the election on the 8th instant, for the executive officers of this State, as provided for in "act to regulate elections in this State," section 40.

Very respectfully,

R. N. BARR,
President of Senate.

On motion of Mr. Oates, the House took a recess of half an hour.

On re-assembling at the expiration of the half hour—

Mr. Smith, of Choctaw, by leave, introduced a bill—

To increase the pay of witnesses and jurors in Choctaw county, Alabama ;

Which was read the first and second times under a suspension of the constitutional rule.

Mr. Dustan moved to amend, by making the provisions of the bill applicable to the county of Marengo ;

Adopted.

Mr. Haralson moved to amend, by adding Dallas county ;

Mr. Graham moved to amend, by adding Perry county ;

On motion of Mr. Lewis, the bill and amendments were referred to the Judiciary Committee, when appointed.

Message from the Senate by Mr. Whiting :

Mr. President :

The Senate has adopted the resolutions herewith transmitted, as a substitute for the House resolutions :

WHEREAS, The presiding officer of the Senate has indicated the hour of 1 p. m., Saturday, 26th instant, as a proper time to meet in joint assembly, for the purpose of counting and publishing the vote for executive officers, therefore

Resolved, That a message be sent to the House of Repre-

sentatives, proposing a joint convention of both branches of the General Assembly in the Hall of Representatives, at one o'clock p. m. to-morrow, for the purpose of opening and counting the votes given for the executive officers, and ask the concurrence of the House in the same ;

The House concurred in the action of the Senate.

Leave of absence was granted Messrs. Toomer and Lumpkin for one day.

On motion of Mr. Lewis, Mr. Bulger's name was substituted instead of Mr. Toomer's, on the special committee to examine into the credentials of Mr. Geo. W. Braxdall.

Mr. Williams offered the following resolution—

Which was adopted :

Resolved, That the Committee on Privileges and Elections be required to inquire into the eligibility of members presenting certificates of election claiming seats in this House under the amendment to the constitution of the United States known as article 14.

Mr. Toulmin introduced a bill—

To repeal an act entitled an act for the relief of laborers and employees.

Mr. Carmichael, a bill—

To repeal an act entitled an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, in so far as the same relates to the county of Dale ;

Which were severally read the 1st time, and ordered to a second reading on to-morrow.

On motion of Mr. Toomer, the House adjourned till ten o'clock to-morrow morning.

SATURDAY, November 26, 1870.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Murrah.

Journal read and approved.

CALL OF THE COUNTIES.

Mr. Doster introduced a bill—

To amend section 11 of an act entitled an act to establish revenue laws for the State of Alabama.

Mr. Powell, a bill—

To repeal an act entitled an act for the suppression of secret organizations of men, disguising themselves for the purpose of committing crimes and outrages, approved December 6th, 1868.

The same, a bill—

To repeal an act entitled an act to regulate the publication of legal and other notices in the State of Alabama.

The same, a bill—

To amend an act to authorize the appointment of a guardian *ad litem* for each county, approved August 30th, 1868.

Mr. White, a bill—

To prevent camp-hunting in Covington county.

Mr. Carmichael, a bill—

To repeal an act entitled act to amend an act entitled an act to incorporate Sepulgah River Manufacturing Company of Conecuh county, approved December 31st, 1868.

The same, a bill—

To repeal sections 2d and 3d of an act entitled an act for the suppression of secret organizations of men, disguising themselves for the purpose of committing crimes and outrages, approved December 26th, 1868:

The same, a bill—

To legalize the location of the court-house of Dale.

Mr. Bullock, a bill—

To repeal an act to appoint council in certain cases.

Mr. Smith of Greene—

To repeal an act, approved February 7th, 1870, to authorize the commissioners courts of Sumter, Perry and Greene counties, to levy a special tax in said counties, for the purpose of working the public roads in said counties.

Mr. Bullock, a bill—

To repeal an act to regulate the publication of legal and other notices in the State of Alabama.

The same, a bill—

To repeal an act entitled an act to amend an act to regulate the publication of legal and other notices in the State of Alabama.

Mr. Oates, a bill—

To amend section 3706 of the Revised Code.

Mr. Oates, a bill—

To abolish the county courts in this State.

Mr. Hewitt, a bill—

To amend an act entitled an act for the relief of laborers and employees, approved 10th of October, 1868.

The same, a bill—

To repeal an act entitled An act to amend section 4306 of the Revised Code of Alabama, approved December 31, 1868.

The same, a bill—

To repeal an act entitled An act to amend section 2351 of the Revised Code of Alabama, approved March 1, 1870.

Mr. Taylor of Lauderdale, a bill—

To regulate the fees of executors and administrators.

Mr. Raisler, a bill—

To amend section 3439 of the Revised Code.

Mr. Rice, a bill—

To compel administrators, executors, and guardians to make annual settlements.

Mr. Hamilton, a bill—

To repeal an act entitled An act to prevent camp-hunting in Marion county, approved February 7, 1870.

Mr. Boyd, a bill—

To repeal an act to enable certain officers to collect their fees, approved December 31, 1868.

Mr. Semmes, a bill—

To repeal an act entitled An act to relieve disabilities of persons against whom a divorce from the bonds of matrimony has been decreed.

Mr. Davis, a bill—

To repeal an act entitled An act to amend and repeal subdivision ten of section 750 of the Revised Code, approved February 21, 1870 ;

Which bills were severally read the first time and ordered to a second reading.

Mr. Oates introduced a bill—

To amend section 11 of an act entitled An act to incorporate the town of Columbia, in Henry county, approved January 28, 1870 ;

Which was read a first, second and third time, under a suspension of the constitutional rule, and passed.

Mr. Hewitt offered the following resolution, which was adopted, and referred to the special committee on credentials of Geo. W. Braxdall :

Resolved, That the credentials of Ashley C. Wood, Esq., claiming a seat as a member of this House, as one of the Representatives from the county of Talladega, together with

the transcript of the proceedings of contestation had and begun before the clerk of the circuit court of said county, by M. Taul, Esq., in favor of Amos Hitchcock, Esq., and its proof taken therewith, be referred instanter to the special committee to which was referred the credentials of Geo. W. Braxdall, Esq.; to examine and report upon the legality of the election of said Ashley C. Wood, Esq., and the proceedings of contestation, with power to send for persons and papers.

Leave of absence was granted to Mr. Doster for one day.

On motion of Mr. Lewis, the House took a recess till a quarter before 1 o'clock this day.

The House met at the appointed hour.

Message from the Senate, by Mr. Whiting :

Mr. Speaker :

The Senate has adopted, as herewith transmitted, a substitute for House bill--

To be entitled an act for the relief of delinquent tax-payers.

M. P. BLUE,
Secretary.

On motion of Mr. McCall, the Senate message was taken up, and the substitute of the Senate for the House bill--

For the relief of delinquent tax-payers,

Was concurred in.

The hour of 1 o'clock having arrived, the Senate was invited into the Hall of the House for the purpose of witnessing the opening and publishing of the votes for the Executive and State officers of Alabama, cast at the late general election held on the 8th day of November, 1870.

The President of the Senate, on taking the stand, stated that as soon as the returns could be received from the Secretary of State, he would proceed to open the packages and count the votes. He directed Mr. M. P. Blue, Secretary of the Senate, (in his stead) to proceed to the office of the Secretary of State and request the delivery of the returns to him. On receiving the returns, the President of the Senate read a letter from the Secretary of State relative to the returns. He also read the two following injunctions, which he said restrained him from opening and publishing the votes for Governor and Treasurer :

HALL OF THE HOUSE OF REPRESENTATIVES,
 STATE OF ALABAMA,
 November 26, 1870. }

To the Convention of the General Assembly—

Gentlemen of the Senate and House of Representatives :

The following bill of injunction has been served upon me as presiding officer of the Senate of the General Assembly of the State of Alabama, restraining me from counting and proclaiming the votes cast at the election on the 8th instant for Governor and State Treasurer. This injunction comes from a Judge of the Supreme Court of the State. I have no option but obedience to this high mandate. I am therefore constrained to withhold the count and proclamation of the vote for Governor until such estoppel is removed. I will proceed, in accordance with law, to open, count, compare and proclaim the votes of the other executive officers of the State.

R. N. BARR,

Presiding Officer of the Senate

Of the General Assembly of the State of Alabama.

THE STATE OF ALABAMA—In the Chancery Court for the second District of the Southern Chancery Division of the State of Alabama, at Montgomery.

To the Presiding Officer of the Senate of the General Assembly of the State of Alabama, the Hon. R. N. Barr :

WHEREAS, William H. Smith has this day filed his bill of complaint against you as defendant, praying, among other things, for an injunction commanding and enjoining you, the said R. N. Barr, from proceeding, as the presiding officer of the Senate of the General Assembly of Alabama, to the opening and publishing of the returns of the election for Governor, held on the 8th of November, 1870, in the State of Alabama; and that you desist and refrain therefrom until the further order of this Court. And whereas, the said complainant, upon proper application made to the Honorable Benjamin F. Saffold, Judge of the Supreme Court of Alabama, did, on the 25th day of November, 1870, obtain an order from the said Benjamin F. Saffold, Judge as aforesaid, commanding the issuance of an injunction in accordance with the prayer of said bill, upon the complainant entering into bond, &c., and the said complainant having filed his bond, as required by said order, and the same having been approved by me; now, these

are to command you, the said presiding officer as aforesaid, the Hon. R. N. Barr, as the presiding officer of the Senate of the General Assembly, to desist and refrain from opening and publishing the returns of the election for Governor, of the election held on the 8th of November, 1870, in the State of Alabama, until the further order of this court, and this you shall in no wise omit, and this injunction in no wise disregard, under the penalties of the law.

Witness, J. W. Hughes, register of our said court of chancery, at office, this 25th day of November, 1870.

J. W. HUGHES, Register.

State of Alabama :

In the chancery court of the second district of the Southern Chancery Division of the State of Alabama, at Montgomery, Alabama.

To the presiding officer of the Senate of the General Assembly, the Hon. R. N. Barr :

Whereas, Arthur Bingham has this day filed his bill of complaint against you as defendant, praying, among other things, for an injunction commanding you and enjoining you, the said R. N. Barr, from proceeding as presiding officer of the Senate of the General Assembly of Alabama, to the opening and publishing of the returns for Treasurer of the State of Alabama, of the election held on the 8th day of November, 1870, in the State of Alabama, and that you desist and refrain therefrom, until the further order of the court ;

And, whereas, the said complainant, upon proper application made to the Hon. Charles Pelham, judge of the 10th judicial circuit of Alabama, did on the 25th day of November, 1870, obtain an order from the said Charles Pelham, judge as aforesaid, commanding the issuing of an injunction, in accordance with the prayer of said bill, upon complainant's entering into bond, &c., and the said complainant having filed his bond, as required by said order, and the same having been approved by me ; now, these are to command you, the said presiding officer of the Senate, as aforesaid, the Hon. R. N. Barr, as the presiding officer of the Senate of the General Assembly of Alabama, to desist and refrain from opening and publishing the returns of the election for Treasurer, of the election held on the 8th day of November, 1870, in the State of Alabama, until the further order of this court, and this

you shall in no wise omit and this injunction in no wise disregard.

Witness, J. W. Hughes, register of our said court in chancery, at office, this 26th day of November, 1870.

J. W. HUGHES,

Register in Chancery.

The President of the Senate appointed Matt. P. Blue and Ellis Phelan to act as tellers and assist him in the count of the vote for Lieutenant Governor, Secretary of State and Attorney-General.

The President of the Senate announced that Mr. E. H. Moren had received 78,681 (seventy-eight thousand six hundred and eighty-one) votes, and Mr. Pierce Burton had received 74,304 (seventy-four thousand, three hundred and four) votes for Lieutenant-Governor of Alabama, and that Mr. E. H. Moren having received a majority of the whole vote cast, was constitutionally elected Lieutenant-Governor of the State of Alabama.

He also announced that Mr. J. J. Parker had received 76,997 (seventy-six thousand nine hundred and ninety-seven) votes, and Mr. James T. Rapier had received 72,538 (seventy-two thousand five hundred and thirty-eight) votes for Secretary of State. He declared that Mr. J. J. Parker having received a majority of the votes cast, was constitutionally elected Secretary of State of Alabama.

He also announced, that Mr. J. W. A. Sanford had received 77,736 (seventy-seven thousand seven hundred and thirty-six) votes, and Mr. Joshua Morse 74,313 (seventy-four thousand three hundred and thirteen) votes, for Attorney-General. He declared that Mr. J. W. A. Sanford having received a majority of the votes cast, was constitutionally elected Attorney-General of the State of Alabama.

The President of the Senate directed Mr. M. P. Blue, (in his stead) to deliver the returns again to the Secretary of State until he should be legally authorized to open and publish the vote for Governor and Treasurer of Alabama.

Mr. Mabry offered the following resolution :

Be it resolved by the General Assembly of the State of Alabama in joint convention assembled, That the oath of office be now administered to the Hon. E. H. Moren, Lieutenant-Governor elect, and that he be invited as President of the Senate, to preside over this body.

The President of the Senate decided the resolution out of order, as the business for which the Senate had met the House in general convention, had been accomplished.

Mr. Lowe appealed from the decision.

Without considering the appeal, the President directed Senators to withdraw at once to their chamber. After the withdrawal of the Senators, and while the question of order was pending—

Mr. Carlin moved that the House do now adjourn.

The motion was put by Mr. Speaker Hubbard, and lost.

Mr. Lindsay moved that a committee of three be appointed to conduct Mr. Moren to his seat on the Speaker's stand.

The motion prevailed, and Messrs. Lindsay, Lewis and Oates, were appointed said committee.

The Committee at once conducted Mr. E. H. Moren to the stand, and the Speaker introduced him as the Lieutenant-Governor of Alabama, and the President of the Senate.

Mr. Moren stated that he had just taken the oath of office, and was ready to proceed to business.

Mr. Lowe offered the following resolution ;

Which was adopted :

Be it resolved by the General Assembly of the State of Alabama in joint convention assembled, That we demand in behalf of the people of Alabama, that the popular vote cast on the 8th instant for Governor and Treasurer of the State of Alabama, be now opened and counted by the President of the Senate, in accordance with the provisions of the Constitution and laws of said State, and the result thereof be duly and officially announced to the people of the State.

The President of the Senate appointed Mr. Phelan to go (in his stead) and demand of the Secretary of State the returns of election for Governor and Treasurer of the State of Alabama, and to bring them to him, that he might proceed to open and publish the result of said election.

Mr. Phelan stated that he had performed the duty, and that the returns had been delivered to him by the Secretary of State.

Mr. Oates offered the following resolution ;

Which was adopted :

Resolved by this joint convention of the General Assembly of Alabama, That a sergeant-at-arms be appointed by the presiding officers of this Assembly, and sent out under appropriate instructions to bring into this convention absent Sena-

tors who may be found within the limits of the city of Montgomery.

The President of the Senate ordered a call of the roll of the convention, when the following members answered to their names :

Messrs. Sibley and Worthy of the Senate; Messrs. Speaker, Appleton, Ashurst, Benson, Box, Boyd, Bulger, Bullock, Callaway, Carlin, Carmichael, Clements, Cowan, Craig, Crook, Davis, Duskin, Ellison, Etheridge, Gaskin, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Haralson, Henderson, Henry, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, Leath, Lewis, Lindsay, Lowe, Lumpkin, McDermott, Mancill, Miller, Moore, Mooring, Murrah, Oates, Payne, Powell, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, St. Clair, Steele, Strauss, Strobach, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Ware, Weatherford, White, Williams, Wood and Wyman—77.

The President of the Senate stated that a majority of the General Assembly being present, he would at once proceed to open and publish the vote cast at the last election, held on the 8th of November instant, for Governor and Treasurer of the State of Alabama.

The Secretary of the Senate not being present, he appointed Mr. Micah Taul to act as teller and assist Mr. Ellis Phelan in counting the votes.

COUNTIES.	W. H. Smith.....	R. B. Lindsay.....	P. Burton.....	E. H. Moren.....	J. T. Rapier.....	J. J. Parker.....	A. Bingham.....	J. F. Grant.....	J. Morse.....	J. W. A. Sanford.
Colbert.....	182	1,189	178	1,186	148	1,184	179	1,182	177	1,183
Conecuh.....	761	768	753	770	748	777	756	769	756	768
Coosa.....	645	1,081	622	1,094	561	1,094	626	1,083	622	1,057
Covington.....	6	587	.....	586	.....	587	.....	586	.....	585
Crenshaw.....	130	1,173	130	1,170	130	1,170	130	1,167	130	1,169
Dale.....	469	1,112	457	1,112	373	1,114	453	1,163	476	1,114
Dallas.....	7,378	2,096	7,373	2,101	7,372	2,099	7,373	2,099	7,371	2,099
DeKalb.....	512	574	495	576	327	576	93	576	494	575
Elmore.....	1,339	1,379	1,333	1,384	1,320	1,382	1,332	1,381	1,332	1,378
Escambia.....	176	467	162	472	158	469	163	466	157	466
Etowah.....	268	781	245	780	214	788	243	781	243	779
Fayette.....	202	574	197	574	151	574	196	574	196	574
Franklin.....	273	329	242	348	133	394	233	351	240	342
Geneva.....	171	163	111	164	95	163	110	107	108	164
Greene.....	1,790	1,825	1,790	1,825	1,790	1,825	1,790	1,825	1,790	1,825
Hale.....	3,200	1,199	3,200	1,199	3,200	1,198	3,200	1,198	3,199	1,198

Henry.....	449	1,626	434	1,630	429	1,632	433	1,629	433	1,626
Jackson.....	464	1,579	430	1,569	400	1,573	422	1,572	427	1,578
Jefferson.....	1,131	1,034	242	1,893	211	1,035	244	1,030	236	1,037
Lauderdale.....	507	1,274	500	1,264	444	1,272	492	1,270	498	1,270
Lawrence.....	1,082	1,330	1,054	1,337	965	1,336	1,054	1,223	1,052	1,332
Lee.....	1,702	1,938	1,691	1,949	1,676	1,951	1,692	1,945	1,690	1,951
Limestone.....	802	1,090	787	1,094	784	1,099	788	1,098	787	1,099
Lowndes.....	3,554	1,195	3,553	1,195	3,553	1,195	3,553	1,195	3,553	1,196
Macon.....	1,711	1,234	1,705	1,237	1,700	1,236	1,703	1,236	1,700	1,235
Madison.....	2,097	2,966	2,060	2,988	2,051	2,991	2,056	2,884	2,056	2,987
Marengo.....	3,248	1,439	3,247	1,445	3,249	1,447	3,249	1,448	3,250	1,447
Marshall.....	105	645	98	644	84	644	98	644	96	644
Marion.....	104	321	65	288	16	288	64	288	64	288
Mobile.....	4,660	4,617	4,659	4,621	4,646	4,626	4,658	4,620	4,658	4,623
Monroe.....	579	1,362	579	1,362	578	1,362	579	1,362	579	1,361
Montgomery.....	7,354	2,568	7,329	2,583	7,320	2,613	7,335	2,573	7,315	2,589
Morgan.....	463	1,020	454	1,011	429	1,007	453	1,007	453	1,007
Perry.....	3,903	1,356	3,904	1,356	3,902	1,357	3,901	1,356	3,902	1,356
Pickens.....	230	1,708	230	1,707	227	1,707	230	1,628	230	1,107
Pike.....	499	1,822	495	1,825	495	1,824	495	1,817	495	1,816
Randolph.....	678	658	638	663	498	677	642	662	637	662
Russell.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sanford.....	98	606	94	607	90	607	94	605	93	607
Shelby.....	611	1,124	598	1,126	537	1,125	596	1,119	599	1,123
St. Clair.....	497	788	489	788	487	789	489	788	475	788

The count showed that Mr. R. B. Lindsay had received 77,721 (seventy-seven thousand seven hundred and twenty-one) votes, and Mr. W. H. Smith had received 76,292 (seventy-six thousand two hundred and ninety-two) votes for Governor of Alabama; whereupon, the President of the Senate announced that R. B. Lindsay having received a majority of the votes cast, was constitutionally elected Governor of Alabama for the term prescribed by law.

The count showed that Mr. J. F. Grant had received 76,902 (seventy-six thousand nine hundred and two) votes; that Mr. Arthur Bingham had received 74,376 (seventy-four thousand three hundred and seventy-six) votes; and Mr. L. F. McCoy had received 123 (one hundred and twenty-three) votes for Treasurer; whereupon, the President of the Senate announced that Mr. J. F. Grant having received a majority of the votes cast, was constitutionally elected Treasurer of the State of Alabama, for the term prescribed by law.

On motion of Mr. Sibley, a committee of three, consisting of Messrs. Sibley, Worthy and Lowe, were appointed to notify Mr. R. B. Lindsay of his election as Governor of Alabama, and to invite him to the Speaker's stand.

The committee reported that Mr. Lindsay was now ready to take the oath of office, which was duly administered by the Speaker of the House of Representatives, whereupon Mr. Lindsay also subscribed to the duelling oath.

On motion of Mr. Sibley, the convention adjourned, and the Senate retired to its appropriate chamber.

Leave of absence was granted Mr. Simms for two, and Mr. Lumpkin for seven days.

Mr. Bulger moved that a committee of three on the part of the House, to act with a like committee to be appointed on the part of the Senate, to conduct the Governor elect to his appropriate office on Monday, the 28th instant;

Carried.

On motion of Mr. Bulger, the House adjourned till 12 o'clock m. on Monday next.

MONDAY, November 28th, 1870.

The House met pursuant to adjournment.

Prayer by Rev. John Matthews.

The reading of the journal was postponed, to allow Mr. Lewis to introduce a resolution.

Mr. Lewis introduced the following resolution :

WHEREAS, Art IV., section IV. of the constitution of the United States provides: "Section IV. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive, (*when the Legislature can not be convened*), against domestic violence;" and whereas, peace and order now prevail throughout the borders of the State of Alabama; and whereas, a military force, belonging to the army of the United States, has been quartered within the capitol of this State, during the present session of the General Assembly; therefore—

Be it resolved, (the Senate concurring,) That a committee of six, consisting of three from the Senate and three from the House, be appointed to ascertain without delay upon whose application, by whose order, and for what purpose the said military force was quartered in this capitol, and that the General Assembly desist from all further proceedings until the report of said committee be received and acted upon.

On motion of Mr. Dustan, the House took a recess of thirty minutes.

At the expiration of the recess—

The resolution relative to the military force now stationed in the capitol was taken up and adopted;

Yeas 83, nays 2.

Those who voted yea are—

Messrs. Appleton, Ashurst, Benson, Box, Boyd, Braxdall, Bulger, Bullock, Callaway, Carlin, Carmichael, Clements, Cowan, Craig, Crook, Curtis, Davis, Diggs, Doster, Duskin, Dustan, Ellison, Etheridge, Gaskin, Gilchrist, Graham, Grayson of Clark, Grayson of Madison, Green, Gunn, Haralson, Harmount, Henderson, Henry, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, Leath, Lewis, Lindsay, Lowe, McCall, McDermott, Mancill, Marlowe, Miller, Moore,

Mooring, Murrah, Nininger, Oates, Payne, Perrin, Raisler, Semmes, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Speed, St. Clair, Stanwood, Steele, Strauss, Strobach, Taylor of Lauderdale, Taylor of Winston, Thompson, Toomer, Toulmin, Ware, Wells, White, Wood and Wyman--83.

Those who voted nay are--

Messrs. Dozier and Gee.

Messrs. Lewis, Dustan and Semmes, were appointed said committee on the part of the House.

On motion of Mr. Crook, the House adjourned till to-morrow morning 10 o'clock.

TUESDAY, November 29, 1870.

The House met pursuant to adjournment.

Prayer by Rev. John Matthews.

Journal of Saturday was read.

Mr. Harmount moved to strike out that portion of the journal which recites that after the adoption of Mr. Sibley's motion to adjourn the convention, "that the Senate retired to its chamber;"

Lost ;

Yeas 30, nays 57.

Those who voted yea are--

Messrs. Black, Carlin, Clark, Cachran, Craig, Curtis, Diggs, Dozier, Duskin, Dustan, Gaskin, Gee, Green, Hamilton, Harmount, Henderson, Johnson of Dallas, McCall, McCaskey, Marlowe, Nininger, Perrin, St. Clair, Stanwood, Strobach, Taylor of Winston, Thompson, Wells, Williams and Wood--30.

Those who voted nay are--

Messrs. Speaker, Appleton, Benson, Box, Boyd, Bulger, Callaway, Carmichael, Clements, Cowan, Crook, Davis, Ellison, Etheridge, Gilchrist, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hodo, Holmes of Baldwin, Holmes, of Sumter, Howell, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, McDermott, Mancill, Miller, Moore, Mooring, Murrah, Oates, Payne, Powell, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of

Greene, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toulmin, Ware, Weatherford, White and Wyman—57.

Mr. Strobach moved to amend the same part of the journal by striking out the word "Senate," and insert the words "the two Senators present."

Mr. Hewitt moved to lay the amendment on the table ;

Carried ;

Yeas 62, nays 28.

Those who voted yea are---

Messrs. Speaker, Appleton, Ashurst, Benson, Box, Boyd, Bulger, Bullock, Callaway, Carmichael, Clements, Cowan, Crook, Doster, Duskin, Ellison, Ethridge, Gilchrist, Graham Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Harmount, Henry, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, McDermott, Mancill, Miller, Moore, Mooring, Murrah, Oates, Payne, Powell, Raisler, Rice, Semmes, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toulmin, Ware, Weatherford, Wells, White and Wyman—62.

Those who voted nay are—

Messrs. Black, Braxdall, Carlin, Clarke, Cochran, Craig, Curtis, Diggs, Dozier, Dustan, Gaskins, Gee, Green, Haralson, Henderson, Johnson of Dallas, McCall, McCaskey, Marlowe, Nininger, Perrin St. Clair, Stanwood, Strobach, Taylor of Winston, Thompson, Williams and Wood—28.

Mr. Harmount, by leave, asked the following protest be spread upon the Journal :

"I protest against the entering on the journal of Saturday, November 26th, of the statement, that after Mr. Sibley's motion to adjourn the convention was adopted, the Senate retired to its appropriate chamber."

GEORGE A. HARMOUNT.

Mr. Carlin asked that the Journal be corrected so as to show that he made his motion to adjourn before Lieutenant Governor Moren had taken the stand, and that the Speaker of the House put the question.

The Journal was corrected as requested.

Mr. Strobach, by leave, entered the following protest

The undersigned begs leave to enter the following protest

against that portion of the Journal of Saturday, November 26, where it reads that a resolution was introduced to conduct the Lieutenant Governor to the chair to preside over the Convention, and where the important fact is omitted, that at that time no Senator was present, and the Speaker's (Mr. Hubbard's) attention was called to that fact by the undersigned. Further, against that portion of the Journal where two Senators appear to have answered to their names, while only one (Mr. Worthy) was present; and finally, to that portion of the Journal where it reads, that after the committee conducted the Hon. R. B. Lindsay to the chair, the Senate retired, while no Senate was present, according to the statement of the same Journal, where it reads that after the announcement of the votes for Lieutenant Governor, it, the Senate, retired.

PAUL STROBACH.

The Journal was then approved by a vote of 56 yeas to 22 nays.

Those who voted in the affirmative are—

Messrs. Speaker, Appleton, Ashurst, Benson, Box, Boyd, Bulger, Bullock, Calloway, Carmichael, Clements, Cowan, Crook, Davis, Ellison, Ethridge, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, McDermott, Mancill, Miller, Moore, Murrah, Oates, Payne, Powell, Raisler, Rice, Semmes, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toulmin, Ware, Weatherford, White and Wyman—57.

Those who voted in the negative are—

Messrs. Black, Carlin, Clarke, Craig, Diggs, Dozier, Gaskin, Green, Harmount, Henderson, Johnson of Dallas, Marlowe, Nininger, Perrin, Speed, St. Clair, Stanwood, Strobach, Thompson, Wells, Williams and Wood—22.

Mr. Marlowe was granted leave to enter a protest for himself and other members, relative to the Journal as approved.

The Journal of Monday, November 28, 1870, was approved.

Messrs. Rice and Hamilton, by leave, recorded their votes in favor of the resolution adopted by the House yesterday, and Mr. Carlin against the same.

Leave of absence was granted Messrs. Marlowe and Stanwood for one day.

On motion of Mr. Moore,

House adjourned till 12 o'clock to-morrow.

WEDNESDAY, November 30, 1870.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Murrah of the House.

Journal of yesterday was read and approved.

Message from the Governor, by Mr. Micah Taul :

Mr. Speaker :

I am directed by his Excellency the Governor to deliver to the House of Representatives a communication in writing.

MICAH TAUL,

Private Secretary pro tem.

STATE OF ALABAMA,

EXECUTIVE DEPARTMENT,

Montgomery, Nov. 29, 1870. }

Gentlemen of the Senate

and House of Representatives :

It is with pleasure I avail myself of the privilege vested in me by the Constitution of the State, to communicate with the Legislative Department of the Government. Although on the very threshold of your high and important duties you have encountered a remarkable and anomalous condition of public affairs, I cherish the pleasing hope that present embarrassing circumstances will soon yield to the combined spirit of patriotism and of reason. It is to be deeply regretted that the high character Alabama obtained among her sister States, by the peace, order and tranquillity which characterized our recent general election, should be impaired by the untoward events of the past few days ; but I fondly trust that by your wisdom and prudence the malignant influences of a few misguided men will be speedily and effectually counteracted. In all you may do to secure a result so desirable, you will receive my earnest and diligent co-operation. Coming recently from your homes and constituencies, it is scarcely necessary for me to remind you of the depression which pervades the business and industries of the country.

A benignant Providence has, it is true, blessed the land with genial seasons, and rewarded the labors of the husbandman with a bountiful harvest; yet the unfortunate, sanguinary war, now exhausting the resources of two great European nations, has had a disastrous effect upon American commerce, especially upon the prices of the chief and most valuable product of our fields. It, therefore, behooves the Government to relieve the tax-payers of the State to the utmost extent possible and expedient. Our present system of taxation is offensive and burdensome to the masses, and the mode of its enforcement oppressive. The instincts of the popular heart seldom err—the complaints of the people are the surest evidence of the wrong and injustice of any law. To a review and modification of our entire system of taxation, I therefore invite your earliest and earnest consideration, that its burdens may be lightened and thereby rendered more acceptable to the people. A suspension of the enforcement of the penalty incurred by delinquents would afford immediate and desirable relief, by enabling our small farmers to postpone the sale of their few, but hard earned cotton bales at great sacrifice.

There are other important matters, of public policy, to which at a future time I will take the liberty of inviting your consideration, deeming it eminently proper to withhold my views thereon for the present.

ROBT. B. LINDSAY.

On motion of Mr. Oates, fifteen hundred copies of the message were ordered to be printed.

The Speaker announced the following

STANDING COMMITTEES.

Judiciary—Messrs. Toulmin, Oates, Bulger, Doster, Lewis, Lowe, Powell, Crook and Duskin.

Ways and Means—Messrs. Oates, Strauss, Hodo, Clements, Hurt, Steele, Moore, McCall and Gee.

Corporations—Messrs. Lewis, Lindsay, Miller, Mooring, Murrah, Payne, Smith of Sumter, Doster and Graham.

Education—Messrs. Wyman, Lindsay, Powell, White, Appleton, Speake, Williams, Carlin and Perrin.

Privileges and Elections—Messrs. Smith of Sumter, Semmes, Carmichael, Toomer, Lowe, Taylor of Lauderdale, Strobach, Doster and Henderson.

Finance—Messrs. Bullock, Ellison, Boyd, Mancill, Raisler, Grayson of Clarke, Graham, Thompson and Cochran.

Internal Improvements—Messrs. Lowe, Toulmin, Johnson of Coosa, Benson, Smith of Greene, Steele, McCall, Hodo and Carmichael.

Appropriations—Messrs. Hurt, Holmes of Baldwin, Callaway, Ware, Smith of Choctaw, Weatherford, McCall, Johnson of Dallas and Alley.

Federal Relations—Messrs. Hewitt, Semmes, White, Bullock, Cowan, Gilchrist, Henderson, Drake and Alley.

Agriculture and Commerce—Messrs. Henry, McDermott, Grayson of Madison, Mooring, Raisler, Simms, Duskin, St. Clair and Dozier.

Local Legislation—Messrs. Moore, McDermott, Davis, Kennedy, Cowan, Hamilton, Craig, Taylor of Winston, and Black.

Fees and Salaries—Messrs. Box, Murrah, Etheridge, Callaway, Ashurst, Gunn, McCaskey, Curtis and Dustan.

Accounts and Claims—Messrs. Grayson of Clarke, Bulger, Smitherman, Lumpkin, Gilchrist, Mancill, Green, Nininger and Marlowe.

Public Printing—Messrs. Taylor of Lauderdale, Smith of Choctaw, Ellison, Grayson of Madison, Johnson of Coosa, Gunn, Drake, Wood and Diggs.

Penitentiary—Messrs. Benson, Rice, Crook, Ashurst, Hurt, Callaway, Harmount, Clark and Haralson.

Military—Messrs. Toomer, Bassett, Ware, Leath, Henry, Holmes of Sumter, Holmes of Baldwin, Carlin and Duskin.

Enrolled Bills—Messrs. Powell, Rice, Appleton, Clements, Hamilton, Smitherman, Stanwood, Harmount and Wells.

State Capitol—Messrs. Strobach, Bassett, Davis, Kennedy, Howell, Miller, Carlin, Wells, and Taylor of Winston.

Public Buildings and Institutions—Messrs. Marlowe, Henderson, Hewitt, Howell, Drake, Mancill, Weatherford, King and Braxdall.

Counties and County Boundaries—Messrs. Steele, Etheridge, Moore, Lumpkin, Leath, Speake, Perrin, Hodo and Curtis.

Public Roads and Highways—Messrs. Payne, Boyd, Mancill, Simms, Wyman, Smith of Greene, Speed, Cochran and Nininger.

On motion of Mr. Lindsay, 150 copies of the Standing Committees were ordered to be printed.

Mr. Oates offered an amendment to the rules of the House, as follows ;

Which was lost :

Strike out the 23d rule of the House, and substitute the following in its stead :

“The Speaker shall appoint committees, unless otherwise directed by the House, and the Standing Committees, when appointed, may select their permanent chairmen or presiding officers respectively ; but no such committee shall consist of more than nine members.”

PROTEST.

We, the undersigned members of the House of Representatives do most solemnly protest against the entering on the journals of Saturday, November 26th, 1870, of the statement, after Mr. Sibley's motion to adjourn was adopted : “*the Senate retired to its appropriate chamber ;*” because, previous to Lieutenant-Governor Moren's taking the stand, the Senate (including every Senator) had retired to the Senate chamber by direction of the President of that body.

GEO. S. MARLOWE, jr.,
WILLIAM HENDERSON,
GEO. A. HARMOUNT,
J. S. PERRIN,
NED GEE,
A. R. JOHNSON,
L. C. CARLIN,
JOHN NININGER,
WM. GASKINS,
JACOB BLACK,
T. J. CLARK,
T. H. DIGGS,
THOS. D. McCASKEY,
L. J. WILLIAMS,
JOHN TAYLOR.

Mr. McCall offered the following resolution ;

Which was adopted :

Resolved, That the revenue laws now in force, be referred to the Committee on Ways and Means, with instructions to inquire what further legislation may be necessary on the subject of raising revenue, and to report by bill or otherwise, as early as practicable.

Mr. Toulmin offered the following resolution ;

Which was adopted :

Resolved, That the Judiciary Committee be authorized to employ a clerk, who shall be paid only during the time of actual service.

REPORT FROM COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. Smith of Sumter, from the Committee on Privileges and Elections, reported that the Committee had examined the certificates of election of the members of the present House of Representatives, whose names are contained on a schedule hereto attached, marked A, and find said certificates were severally issued by the Secretary of State, and so far as your committee are advised, should be received as valid evidence of the election of the respective members holding them.

By reference to a communication from the Secretary of State, accompanying this report, your honorable body will perceive, that there are no returns in that office showing the election of Messrs. Henry and King of Russell county ; those members are now holding their seats in this body without certificates of election.

By a certified copy of the returns of the votes from Randolph county, received from the Secretary of State, hereto attached as schedule B, it appears that George Forrester received 683 votes at the late election in said county, and J. H. Davis received 648 votes, giving the former a majority of 35 votes. Mr. Davis is in the occupancy of his seat as a member of the House, without having received any certificate of election ; the Secretary of State having issued a certificate of election to Mr. Forrester, in obedience to said majority.

In obedience to the instructions adopted, as a partial guidance of the acts of the Committee, they report, that they have been informed the Hon. H. Cochran, a member from Dallas county at the time of his election, was, and is now, the tax collector of the city of Selma, and an acting deputy United States Marshal.

That G. M. Duskin, a member from Hale county, was State Solicitor at the time of his election.

That N. D. Stanwood, a member from Lowndes county at the time of his election, held a lucrative office under the United States Government.

That G. M. Drake, a member from Bullock county, before his election as a member of this House, challenged Col. Jos. Hodgson of the city of Montgomery, to fight a duel with deadly weapons.

Having discharged the duties thus far assigned them, the Committee ask for such other instructions as may be deemed necessary in the premises, with power to carry any instructions given into effect.

No satisfactory evidence being at present before the Committee in regard to the above specially mentioned cases, they ask for further time to investigate them.

The report of the Committee was received, and further time granted them.

On motion of Mr. Strobach—

The Committee on Privileges and Elections were empowered to send for persons and papers, when necessary.

Mr. Murrah, from the Special Committee to wait on the Clergy of this city, and invite them to perform the duties of Chaplain for the present session, reported, that the Committee had performed that duty, and that the ministers cheerfully consented to comply with the invitation of the House in the following order :

2d week, beginning Monday, 28th inst., Rev. John Matthews, and Rev. Mr. Douglas, of the Methodist Episcopal Church South.

3d week, Rev's. G. W. Gwin and W. M. Davis, of the Baptist Church.

4th week, Rev. J. D. Kinzer, of the Methodist Protestant Church.

5th week, Rev. H. Stringfellow, of the Episcopal Church.

6th week, Rev. Dr. Petrie, of the Presbyterian Church.

The report was received and the Committee discharged.

ORDERS OF THE DAY.

The following bills—

To amend section 69 of an act entitled "An act to regulate elections in this State";

To amend section 1283 of the Revised Code of Alabama;

To amend section 1282 of the Revised Code of Alabama;

To repeal an act entitled "An act to suppress murder, lynching, and assaults and batteries ;

To protect the rights of innocent purchasers in certain cases ;

To repeal sections 2 and 3 of an act entitled "An act for the suppression of secret organizations of men disguising themselves for the purpose of committing crimes and outrages," approved December 26th, 1868 ;

To repeal an act entitled "An act to authorize the publication of the laws of the State of Alabama," approved October 10th, 1868 ;

To repeal an act to regulate legal and other notices in the State of Alabama," approved August 12th, 1868, and an act entitled "An act to amend the same," approved October 10th, 1868 ;

To compel administrators, executors, and guardians to make final settlements ;

To incorporate the Eagle Hook and Ladder Company No. 1, of the city of Demopolis, Alabama ;

To amend section 3733 of the Revised Code of Alabama ;

For the securing of agricultural laborers in their wages ;

To repeal an act entitled an act for the relief of laborers and employees ;

To repeal an act entitled an act for the suppression of secret organizations of men, disguising themselves for the purpose of committing crimes and outrages, approved December 26th, 1868 ;

To repeal an act entitled an act to regulate the publication of legal, and other notices in the State of Alabama ;

Were severally read the second time and referred to the Judiciary Committee.

The following bills—

For the relief of James W. Powers of Lee county ;

To repeal section 21 of an act entitled an act to establish a new charter for the town of Marion, in the county of Perry ;

For the relief of Washington F. Smith of Clay county ;

To prevent camp hunting in Covington county ;

To repeal an act entitled an act to amend an act entitled an act to incorporate Sepulgah River Manufacturing Company of Conecuh county, approved December 31st, 1868 ;

To legalize the location of the court-house of the county of Dale ;

To repeal an act to appoint counsel in certain cases ;

Were severally read the second time and referred to the Committee on Local Legislation.

The following bills—

To amend section 11 of an act entitled an act to establish revenue laws for the State of Alabama ;

To provide for the pay of the members and officers of the present General Assembly ;

To amend section 2 of an act entitled an act to amend an act entitled an act to establish revenue laws for the State of Alabama ;

Were severally read the second time, and referred to the Committee on Ways and Means.

The bill to make appropriations for the fiscal year ending September 30th, 1871 ;

Was read the second time.

Mr. Strobach moved to amend by inserting the words, "the clerk of the Commissioner of Industrial Resources \$1,000 ;"

The amendment was lost, and the bill referred to the Committee on Ways and Means.

The bill—

To amend section 12 of the act entitled an act to re-organize the municipal government of the city of Mobile, and to provide for the election of the officers thereof ;

Was read the second and third times, under a suspension of the constitutional rule, and passed, and ordered forthwith to the Senate.

The bill—

To repeal an act entitled an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, in so far as relates to the county of Dale ;

Was read the second time.

Mr. Hewitt moved to amend by making the provisions of the bill applicable to the counties of Jefferson, Shelby and Bibb ;

The bill and amendments were referred to the Judiciary Committee.

The bill—

To reduce the pay of members of the General Assembly of Alabama ;

Was read the second time, and referred to the Committee on Fees and Salaries.

The bill—

To authorize the appointment of a guardian *ad litem* for each county, approved August 3rd, 1868 ;

Was read the second time.

Mr. Oates offered a substitute for the bill, with the title changed to read as follows :

To repeal an act to authorize the appointment of a guardian *ad litem* for each county ;

The substitute was adopted, and the bill read the third time under a suspension of the constitutional rule, and passed.

Message from the Governor by Mr. Taul :

Mr. Speaker :

His Excellency the Governor requests me to inform the House that he has approved a bill originating in the House, entitled—

An act for the relief of delinquent tax payers.

M. TAUL,
Private Secretary *pro tem*.

On motion of Mr. Oates, the vote by which the House adopted the resolution authorizing the Judiciary Committee to employ a clerk, was reconsidered.

Mr. Oates moved to amend the resolution, so as to allow the chairman of the committee to appoint a clerk ;

Pending the consideration of the amendment ;

On motion of Mr. Bulger, the House adjourned until 10 o'clock to-morrow morning.

THURSDAY, December 1st, 1870.

House met pursuant to adjournment.

Prayer by Rev. Mr. Smith of Greene.

Journal of yesterday read and approved.

At their own request, the names of Messrs. Smith of Choc-taw, and Gee, were transferred on the Standing Committees ; the first from the Committee on Public Printing to the Committee of Ways and Means, and that of Mr. Gee from the Committee of Ways and Means, to the Committee on Public Printing.

CALL OF COUNTIES.

Bills were introduced by—

Mr. Box—

To amend section 2645 of the Revised Code of Alabama

Mr. Wyman—

For the protection of mortgages and *cestui que trust*.

The same—

To require the county treasurer of Tuskaloosa county to pay the fees of the solicitor of said county in certain cases.

Mr. Clements—

To authorize the court of county commissioners to have made certified copies of field notes.

The same—

To increase the pay of grand and petit jurors.

Mr. Black—

To authorize and empower Henry C. Copeland, a minor of Barbour county, to settle with his guardians.

Mr. Payne—

To regulate the publication of legal notices in the county of Blount.

Mr. Ware—

To make Nancy Wester, wife of Caleb A. Wester of Chambers county, a free-dealer.

Mr. Grayson of Clarke—

To amend section 2302 of the Revised Code of Alabama.

Mr. Smith of Choctaw—

To amend an act to increase the pay of the court of county commissioners of Choctaw county, Alabama, approved October 10th, 1868.

Mr. Carmichael—

To create a new chancery district out of the counties of Dale and Geneva.

Mr. Oates—

To prevent slander, defamation, and the use of obscene and opprobrious language in certain cases.

Mr. Speake—

To prevent illegal voting.

The same—

To amend section 17 of an act to establish revenue laws for the State of Alabama.

Mr. Simms—

For the relief of George W. Ogletree of the county of Lee.

Mr. Toomer—

To amend section 1316 (1135) of the Revised Code of Alabama.

Mr. Raisler—

To amend section 2877 of the Revised Code.

The same—

To increase the fees of jurors in the counties of Limestone and Crenshaw.

Mr. Grayson of Madison—

To amend an act entitled An act to amend 1321 of the Revised Code, and for other purposes, approved March 3, 1870.

Mr. Carlin—

To consolidate the fund of fines and forfeitures and the general fund of the county of Marengo.

Mr. Toulmin—

To make Mrs. Eliza Robertson, of Mobile county, a free dealer.

Mr. Strauss—

To repeal an act entitled An act to establish a Mutual Aid Association, and to raise funds for the common school system.

The same—

To repeal an act entitled An act to establish the Masonic Home, in the county of Chambers.

Mr. Semmes—

To repeal an act entitled An act to regulate lotteries.

The same—

To amend an act entitled An act in relation to appeals from justices' courts.

The same---

To repeal an act entitled An act to amend section 2931 of the Revised Code.

Mr. Harmount---

To relieve James M. Hood of the disabilities of non-age.

Mr. Williams---

To repeal an act to establish public pounds in the county of Montgomery;

Which were severally read the first time and ordered to a second reading.

Mr. Henderson presented a petition of Burton Long, contesting the seat of B. M. Henry from the county of Russell;

Which was read and referred to the committee on Privileges and Elections---yeas 83, nays 2.

Those who voted in the affirmative are—

Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Black, Box, Boyd, Bulger, Bullock, Callaway, Carlin, Clements, Clark, Cochran, Cowan, Crook, Curtis, Davis, Diggs, Dozier,

Duskin, Dustan, Ellison, Etheridge, Gaskin, Gee, Graham, Grayson of Clark, Grayson of Madison, Green, Gunn, Hamilton, Harmount, Henderson, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Dallas, Kennedy, Leath, Lewis, Lindsay, Lowe, McCall, McCaskey, McDermott, Mancill, Miller, Moore, Mooring, Murrah, Nininger, Oates, Payne, Perrin, Powell, Raisler, Semmes, Simms, Smith of Greene, Smith of Sumter, Smitherman, Speake, St. Clair, Steele, Strauss, Strobach, Taylor of Lauderdale, Taylor of Winston, Thompson, Toomer, Toulmin, Ware, Weatherford, Wells, White, Williams, Wood and Wyman---83.

Those who voted in the negative are—

Messrs. Carmichael, and Smith of Choctaw---2.

Mr. Crook presented a petition, which was read and referred to the committee on County Boundaries.

Mr. Oates, by leave, offered the following resolution :

Resolved, That the committee on Counties and County Boundaries be, and they are hereby instructed to inquire into and report whether or not the county of Geneva is a constitutional county in respect to its population, according to the official report of the census taken in 1870; and also to inquire into and ascertain whether or not the territory out of which said county of Geneva was formed, at the time of the formation thereof, had a sufficient number of inhabitants to constitute a new county; and to report the same to this House.

Pending the consideration of the resolution---

The hour of 12 having arrived, the Speaker ruled that the orders of the day were to be taken up.

On motion of Mr. Murrah,

The orders of the day were suspended to complete the call of the counties.

Bills were introduced by

Mr. Toulmin---

To restore civil jurisdiction to the city court of Mobile.

Mr. Strauss---

To repeal an act entitled An act to establish the Mobile Charitable Association for the benefit of the common school fund of Mobile county, without distinction of color;

Which were severally read the first and second time, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Harmount presented a petition from Wm. V. Turner, and one from Saul B. Browne and S. M. Cockerell, which were referred to the committee on Privileges and Elections.

ORDERS OF THE DAY.

The following bills:

To repeal an act to regulate the publication of legal and other notices in the State of Alabama;

To repeal an act entitled An act to amend an act to regulate the publication of legal and other notices in the State of Alabama;

To amend section 3706 of the Revised Code;

To abolish the county courts in this State, (with a petition from Mr. Oates);

To amend an act entitled an act for the relief of laborers and employees, approved 10th of October, 1868;

To repeal an act entitled An act to amend section 4063 of the Revised Code of Alabama, approved December 31, 1868;

To amend section 3439 of the Revised Code;

To compel administrators, executors, and guardians to make annual settlements;

To repeal an act entitled An act to relieve disabilities of persons against whom a divorce from the bonds of matrimony has been decreed;

To repeal an act entitled An act to amend and repeal subdivision ten of section 750 of the Revised Code, approved February 21, 1870;

Were severally read the second time and referred to the Judiciary Committee.

The bills---

To repeal an act approved February 7, 1870, to authorize the commissioners' courts of Sumter, Perry and Greene counties to levy a special tax upon the property in said counties for the purpose of working the public roads in said counties;

To repeal an act entitled An act to prevent camp-hunting in Marion county, approved February 7, 1870;

Were severally read the second time and referred to the committee on Local Legislation.

The bills---

To regulate the fees of executors and administrators;

To repeal an act to enable certain officers to collect their fees, approved December 31, 1868;

Were severally read the second time, and referred to the Committee on Fees and Salaries.

The resolution authorizing the Judiciary Committee to appoint a clerk, which was under consideration when the House adjourned on yesterday,

Was taken up—

And the question being on the adoption of the amendment offered by Mr. Oates, which required the chairman of the Committee to make the appointment ;

The amendment was adopted ;

And the resolution as amended, was adopted.

Mr. Bulger offered the following resolution,

Which was adopted :

Resolved, That the Committee on Ways and Means be directed to revise the Revenue Laws of Alabama, and report to this House as soon as practicable, such amendments, alterations, and changes thereto, as said Committee may think best for the interests of the people of the State.

Mr. Bulger offered the following resolution :

Resolved, That the Judiciary Committee be directed to revise an act "To regulate elections in this State," approved October 8th, 1868, and to report to this House as soon as practicable, such amendment, alteration, and changes, as in their judgment, may be necessary to securing to the people of Alabama, fair and impartial elections.

Mr. Hewitt moved to amend, so as to make the instructions go to the Committee on Privileges and Elections ;

Lost.

The resolution was then adopted.

Mr. Strobach offered the following resolution:

WHEREAS, At the call of the roll of the House, names of gentlemen are called who have no certificates of election from the Secretary of State, and cannot be considered members :
Therefore,

Be it resolved, That no such person shall be allowed to vote, and the right to vote be restricted to members of the House who have certificates of election issued by the Secretary of State.

On motion of Mr. Lewis—

The resolution was laid on the table ;

Yeas 58, nays 21.

Those who voted yea are—

Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Box, Boyd, Bulger, Bullock, Callaway, Carmichael, Clements, Cowan, Cochran, Crook, Davis, Ellison, Ethridge, Gee, Gilchrist, Grayson of Clark, Grayson of Madison, Gunn, Hamilton, Hewitt, Hodo, Holmes of Baldwin, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, Lowe, McDermott, Miller, Mooring, Murrah, Oates, Payne, Raisler, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toomer, Toulmin, Ware, Weatherford, White and Wyman—5S.

Those who voted nay are—

Messrs. Carlin, Clarke, Curtis, Doster, Dozier, Gaskin, Graham, Green, Haralson, Henderson, McCall, McCaskey, Moore, Nininger, Perrin, St. Clair, Strobach, Thompson, Wells, Williams and Wood.—21.

Leave of absence was granted Messrs. Craig, Speed, Ellison, McDermott, Benson and Powell.

On motion of Mr. Haralson—

The House adjourned till to-morrow morning 10 o'clock.

FRIDAY, December 2, 1870.

House met pursuant to adjournment.

Prayer by the Rev. John Matthews.

Journal of yesterday was read and approved.

CALL OF THE COUNTIES.

Bills were introduced by

Mr. Grayson of Clarke—

To make Mrs. Jane E. Peebles, wife of Wm. H. Peebles of Clarke county, a free-dealer ;

Mr. Bullock—

To make Bettie W. Barger of Greene county, a free-dealer ;

Mr. Taylor of Lauderdale—

To increase the pay of grand and petit jurors in the county of Lauderdale ;

Mr. Lewis—

For the relief of Fleming M. Gilmer of Montgomery county ;

Mr. Bulger—

For the relief of Wm. P. Hutchinson and John T. Johnson, minors, of Tallapoosa county ;

The same—

For the relief of Martha Jane Hunter of Tallapoosa county ;

Mr. Clements—

For the relief of Wm. Snider of Tuskaloosa county ;

Mr. Wyman—

To fix the time of holding the chancery courts in the county of Tuskaloosa ;

Were severally read the first and second times under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Bills were introduced by

Mr. Granger of Clarke—

To enable John Y. Kilpatrick, administrator of the estate of R. H. Kilpatrick, late of Monroe county, deceased, to sell, either at public or private sale, the residence and medical office, owned by said Kilpatrick, deceased, at the time of his death, and make title to the same ;

Mr. Smith of Choctaw—

For the benefit of plaintiffs in attachment suits ;

The same—

To amend section 2660 of the Revised Code of Alabama ;

Mr. Carmichael—

To repeal an act entitled “An act for the government of the Bureau of Industrial Resources,” approved August 12th, 1868 ;

Mr. Hewitt—

To exempt certain property therein named from sale under execution, and other final process ;

Mr. Raisler—

To amend section 2226 of the Revised Code of Alabama ;

Mr. Toulmin—

To authorize writs of garnishment against incorporated cities, towns, and villages ;

Mr. Box—

To amend section 873 of the Revised Code of Alabama ;

Mr. Bulger—

To define the Homestead law of Alabama ;

Mr. Smith of Choctaw—

To limit the powers of the commissioners court of Choctaw county, Alabama ;

Were severally read the first and second times under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Howell introduced a bill—

To amend a certain clause of section 49 of the Revised Code of Alabama, regulating mileage of the General Assembly;

Which was read the first and second times under a suspension of the constitutional rule, and referred to the Committee on Fees and Salaries.

Mr. Speaker introduced a bill—

To amend section 80 of an act to establish revenue laws for the State of Alabama, approved December 31, 1868;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Semmes introduced a bill—

To repeal section 9 of an act entitled an act to reorganize the municipal government of the city of Mobile, and to provide for the election of the officers thereof;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on corporations.

BILLS INTRODUCED.

By Mr. Oates—

To repeal an act entitled an act to allow the officers of Barbour county to charge and receive fifty per cent. on the fees now allowed by law in the Code of Alabama.

By Mr. Strobach—

To amend section 2 of an act to incorporate the Alabama Fire Engine No. 2, approved February 12, 1856;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

On motion of Mr. McCall,

The orders of the day were postponed to finish the call of of the counties.

Mr. Howell presented a petition;

Which was read and referred to the Judiciary Committee.

Mr. Carmichael offered the following resolution;

Which was adopted:

Resolved, That the Door-keeper of this House be and is

hereby authorized and required to discharge the duties of Sergeant-at-Arms of this House until a Sergeant-at-Arms shall be appointed by this House.

Mr. Hewitt offered the following resolution ;

Which was adopted :

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of authorizing Wm. R. Smith to continue the condensation of the decisions of the Supreme Court of Alabama through the new series, and report to this House by bill or otherwise.

Mr. Lowe offered the following resolution,

Which was adopted :

Resolved, That the Judiciary Committee be instructed to report a bill, at its earliest convenience, providing for the *manner* of contesting election for Governor and other executive officers before both Houses of the General Assembly, in accordance with the constitution.

Mr. Boyd offered the following resolution ;

Which was adopted :

Resolved, That the Clerk of the House have one thousand blank reports of committees printed for the use of said committees.

Mr. Murrah offered the following resolution ;

Which was adopted :

Resolved, That the Clerk of the House be authorized to employ a journal clerk, whose pay shall commence from the 21st day of November last.

Mr. Smith of Sumter offered the following resolution :

Resolved, That the chairman of the Committee on Privileges and Elections be allowed to employ a clerk, whose pay shall commence from the date of his employment.

Mr. Grayson of Madison moved to amend by paying him during the time actually employed.

The resolution was adopted.

Mr. McCall offered the following resolution ;

Which was adopted :

Resolved, That a standing committee be raised to be styled the " Committee on Revision of the Laws."

ORDERS OF THE DAY.

The resolution relative to the constitutionality of the county of Geneva,

Was taken up and adopted.

Mr. Lewis, by leave, moved to reconsider the vote by which the House adopted the resolution to raise a committee on revision of the laws.

The House refused to reconsider the vote.

The following bills—

To amend section 2645 of the Revised Code of Alabama ;

For the protection of mortgages and *cestui que trusts* ;

To amend section 2302 of the Revised Code of Alabama ;

To create a new chancery district of the counties of Dale and Geneva ;

To prevent slander, defamation and the use of obscene and opprobrious language in certain cases ;

Were severally read the second time and referred to the Judiciary Committee.

The bills—

To require the county treasurer of Tuskaloosa county to pay the fees of the solicitor of said county in certain cases ;

To increase the pay of grand and petit jurors ;

To amend an act to increase the pay of the court of county commissioners of Choctaw county, Ala., approved October 10, 1868 ;

Were severally read the first and second times and referred to the Committee on Fees and Salaries.

The bills—

To authorize and empower Henry C. Copeland, a minor of Barbour county, to settle with his guardian ;

To make Nancy Wester, wife of Caleb A. Wester of Chambers county, a free-dealer ;

For the relief of George W. Ogletree, of the county of Lee ;

Were severally read the second time and referred to the Committee on Local Legislation.

The bill—

To authorize the court of county commissioners to have certified copies of field notes ;

Was read the second time.

Various amendments were offered to the bill, when, by leave of the House, Mr. Clements withdrew it.

The bill—

To regulate the publication of legal notices in the county of Blount ;

Was read a second and third time, under a suspension of the constitutional rule, and passed,

The bill—

To prevent illegal voting ;

Was read the second time and referred to the Committee on Privileges and Elections.

The bill—

To amend section 17 of an act to establish revenue laws for the State of Alabama ;

Was read the second time.

Mr. Grayson, of Madison, moved to amend by striking out the word “ten,” in the next to the last line, and insert the word “five.”

The amendment was adopted,

And the bill referred to the Committee on Ways and Means.

Mr. Mooring, by leave, introduced a bill—

To allow the commissioners courts of Sumter county and other counties, to purchase field notes ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Harmount moved to amend by adding the counties of Montgomery, Choctaw, Tuskaloosa, Jefferson, Morgan, Wilcox, Blount, Winston, Lauderdale, Lawrence, Colbert, Tallapoosa, Marengo, Perry, Shelby, Franklin, Lee, Dallas and Barbour.

Pending the consideration of the amendment, a motion was made to adjourn.

Which was withdrawn to grant leave of absence to—

Messrs. King, Lowe, Nininger, Johnson of Coosa, Alley and Lewis.

Mr. Oates, by leave, introduced a bill—

To amend section 1 of an act entitled an act to establish public pounds in the county of Montgomery, approved March 3d, 1870 ;

Which was read the first and second times under a suspension of the constitutional rule.

Mr. Strobach moved its reference to a special committee of members of the House from Montgomery county ;

Pending the motion to refer—

On motion of Mr. Hewitt, the House adjourned till 11 o'clock to-morrow morning.

SATURDAY, December 3d, 1870.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Murrah.

Journal of yesterday read and approved.

CALL OF THE COUNTIES.

Bills were introduced by—

Mr. Doster—

To amend section 33 of an act entitled an act to establish revenue laws for the State of Alabama.

Mr. White—

To repeal sections 99 and 100 of an act entitled an act to establish revenue laws for the State of Alabama, approved December 31st, 1868.

Mr. Appleton—

To repeal section 97 of an act to establish revenue laws for the State of Alabama, approved December 31st, 1868 ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Black introduced a bill—

To repeal an act to change the line between the counties of Russell and Barbour ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Counties and County Boundaries.

Mr. Moore introduced a bill—

To legalize patents to 16th section lands, issued between 8th of January, 1861, and 15th of July, 1868 ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Education.

Mr. Carmichael introduced a bill—

For the relief of the poor of Dale county ;

Which was read first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Crook introduced a bill—

To prevent the planters of this State from imposition in the sale of fertilizers ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Agriculture and Commerce.

Bills were introduced by—

Mr. Leath—

For the relief of H. Graham, late tax collector of Calhoun county.

Mr. Hewitt—

To ratify certain acts, judgments and decrees therein mentioned.

The same—

To ratify certain laws enacted during the late war therein mentioned.

The same—

To ratify certain sales made by administrators, executors, guardians and trustees therein mentioned.

Mr. Semmes—

To amend section 1827 of the Revised Code of Alabama.

Mr. Murrah—

To amend section 2963 of the Revised Code of Alabama.

Mr. Hodo—

To amend section 2998 of the Revised Code of Alabama ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The hour of twelve o'clock having arrived—

On motion of Mr. Hodo, the orders of the day were suspended, to finish the call of the counties.

Mr. Boyd introduced a bill, with a petition—

For the relief of Wm. McPhillips of Marshall county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Lewis offered the following resolution ;

Which was adopted :

Resolved, That the Committee on Education are instructed to inquire into the condition of the 16th section fund, and into all sales of lands heretofore granted by Congress to this State, for educational purposes, which have been made since the present State constitution went into force, and report fully, and so soon as practicable, all information they can acquire concerning the foregoing subjects.

Mr. Ashurst introduced a bill—

To protect the people of Alabama from imposition by insurance companies, and their agents ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

ORDERS OF THE DAY.

The following bills :

To amend section 1316 and (1135) of the Revised Code of Alabama ;

To amend section 2877 of the Revised Code ;

To amend an act entitled an act to amend section 1321 of the Revised Code of Alabama, and for other purposes, approved March 3d, 1870 ;

To amend an act entitled an act to establish a mutual aid association, to raise funds for the common school system ;

To repeal an act entitled an act to establish the Masonic Home, in the county of Chambers ;

To repeal an act entitled an act to regulate lotteries ;

To amend an act entitled an act in relation to appeals from justices' courts ;

To repeal an act entitled an act to amend section 2931 of the Revised Code of Alabama ;

Were severally read the second time and referred to the Judiciary Committee.

The bills—

To increase the fees of jurors in the counties of Limestone and Crenshaw ;

To consolidate the funds of fines and forfeitures, and general fund of the county of Marengo ;

Were severally read the second time and referred to the Committee on Fees and Salaries.

The bills—

To make Mrs. Eliza Robertson of Mobile county a free-dealer ;

To relieve James M. Hood of the disabilities of non-age ;

To repeal an act to establish public pounds in the county of Montgomery ;

Were severally read the second time, and referred to the Committee on Local Legislation.

The bill—

To allow the commissioners' courts of Sumter and other counties to purchase field notes ;

Was taken up, and amended, so as to make the provisions of the bill applicable to the counties of Choctaw, Tuskaloosa

Jefferson, Morgan, Wilcox, Blount, Winston, Lauderdale, Lawrence, Colbert, Tallapoosa, Marengo, Perry, Shelby, Franklin, Lee, Dallas, Barbour and Henry.

Mr. Hewitt moved to amend by adding the following section :

Sec. 2. Be it further enacted, That the foregoing section of this act shall not be so construed as to make it compulsory, but discretionary, upon the county commissioners to purchase field notes.

The amendment was adopted, the bill was read a third time and passed.

The bill---

To amend section 1 of an act entitled An act to establish public pounds in the county of Montgomery, approved March 3, 1870;

Was taken up, and

On motion of Mr. Williams, was amended by striking out " 25" where it occurs in the bill, and inserting " 50."

On motion of Mr. Wyman---

The vote by which the House amended the bill was reconsidered, and

On motion of Mr. Strobach---

The bill and proposed amendment were referred to the committee on Local Legislation.

Mr. Stanwood moved that the House adjourn till Monday at 12 o'clock.

The motion was lost.

Mr. Dustan moved that the House adjourn till Monday at 10 o'clock.

The House refused to adjourn.

Mr. Toomer offered the following resolution ;

Which the House refused to adopt :

Be it resolved by the House of Representatives, (the Senate concurring), That a joint committee of six, to consist of three members of the House and three of the Senate, be appointed to consider and propose amendments to the Constitution of the State of Alabama, and report the same to the General Assembly during the present session.

Mr. Dustan moved to adjourn till 11 o'clock Monday morning.

The House refused to adjourn.

Mr. Carlin offered the following resolution :

Resolved by the House of Representatives, (the Senate con-

curing), That the following amendment be proposed to section 2 of Article VII of the Constitution of the State of Alabama, to be voted on by the electors at the next general election---those in favor of the amendment voting "yes," and those not in favor of the amendment voting "no"; that section 2 of Article VII of the Constitution be amended by adding: That every female person, born in the United States, 20 years old and upwards, who shall have resided in this State one year next preceding the election, and three months in the county in which she offers to vote, shall be deemed an elector, and allowed all the rights and privileges of the same."

On motion of Mr. Haralson---

It was laid on the table.

Mr. Strobach moved to adjourn till 11 o'clock Monday morning.

Lost.

Mr. Haralson moved to adjourn till 10 o'clock Monday morning.

Lost.

Mr. Box, by leave, introduced a bill---

To amend section 13 of an act entitled An act for the government of the bureau of Industrial Resources, approved August 12, 1868 ;

Which was read the first time and ordered to a second reading.

Mr. Strobach moved to adjourn till Monday morning at 10 o'clock.

Lost.

Mr. Bulger gave notice that he would move to reconsider the vote by which the House refused to adopt the resolution relative to raising a joint committee of the House and Senate to propose amendments to the State Constitution.

Mr. Lewis, from the special committee on the contested seats of Geo. W. Braxdall and others, made the following report :

Your committee to whom was referred the credentials of Geo. W. Braxdall, Esq., claiming a seat in your honorable body as a Representative from Talladega county, and the proceedings of contestation instituted by A. Cunningham, a qualified elector of said county, in favor of Taul Bradford, Esq., beg leave to submit the following report :

The returns by the inspectors of the election recently held in Talladega county, show that George W. Braxdall received

for the office of Representative seventeen hundred and twenty votes, and Taul Bradford sixteen hundred and twenty votes.

By a laborious and careful inspection and comparison of the registration lists, poll lists and ballots of said county, we find that said Braxdall received at said election one hundred and ninety-one votes cast by persons not registered. There were also polled for said Braxdall six votes cast by persons under the age of twenty-one years, as is shown by the testimony of witnesses taken as in chancery cases. These illegal votes, amounting in the aggregate to one hundred and ninety-seven, deducted from the entire vote returned for said George W. Braxdall, leaves him fifteen hundred and twenty-three votes. There was no evidence before the committee that any illegal votes were cast at said election for the said Taul Bradford. The committee deem it proper here to state, that in comparing the registration and poll lists, when any doubt as to the identity of the person polled and registered, either from different spelling, or the use of an initial on one list and of a full christian name on the other, the committee always gave the sitting member the benefit of the doubt.

The return of the sheriff of Talladega county shows that said George W. Braxdall was legally notified of the proceedings of contestation against him on the 12th day of November, 1870; yet he has never produced any evidence before this committee, and they have continued the investigation several times in order that he might have ample opportunity to obtain testimony, if he chose so to do.

It is due to the sitting member, however, to state, that it nowhere appears that he had any knowledge of the illegal voting for him, and is not personally compromised thereby.

Therefore, your committee ask to accompany this report with the following resolution, and recommend its adoption:

Resolved, That George W. Braxdall is not entitled to a seat in this House as a member from Talladega county, and that the said seat rightfully and legally belongs to Taul Bradford, he having received a majority of the legal votes cast, and that said Bradford be sworn in as such member; that the said Braxdall be allowed his mileage and pay to the time of the adoption of this resolution.

B. B. LEWIS, Ch'm.,
JAMES CROOK,
JAMES H. GRAHAM,
W. D. BULGER.

Mr. Dustan moved to lay the report on the table, and that 100 copies be printed for the use of the House.

Lost—yeas 21, nays 58.

Those who voted yea are—

Messrs. Black, Carlin, Clark, Craig, Curtis, Diggs, Dozier, Duskin, Dustan, Gee, Harmount, Henderson, Johnson of Dallas, McCaskey, Marlowe, St. Clair, Stanwood, Strobach, Thompson, Wells and Williams—21.

Those who voted nay are—

Messrs. Speaker, Appleton, Ashurst, Box, Boyd, Bulger, Bullock, Callaway, Carmichael, Clements, Cowan, Crook, Davis, Ethridge, Gilchrist, Graham, Grayson of Clark, Grayson of Madison, Green, Gunn, Hamilton, Haralson, Henry, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, Miller, Moore, Mooring, Murrah, Oates, Payne, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toomer, Toulmin, Ware, Weatherford, White and Wyman—58.

Mr. Williams moved to adjourn till 10 o'clock Monday morning;

Lost.

Mr. Hewitt moved the previous question, and the Speaker put the question—

“Shall the main question be now put”?

Which was decided in the affirmative;

Yeas 59, nays 22.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Box, Boyd, Bulger, Bullock, Callaway, Carmichael, Clements, Cowan, Crook, Davis, Duskin, Ethridge, Gee, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Harmount, Henry, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, Miller, Moore, Mooring, Murrah, Oates, Payne, Perrin, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toomer, Toulmin, Ware, Weatherford, White and Wyman—59.

Those who voted nay are—

Messrs. Black, Carlin, Clarke, Craig, Curtis, Diggs, Dozier, Dustan, Green, Haralson, Henderson, Johnson of Dallas,

McCaskey, Marlowe, St. Clair, Stanwood, Strobach, Taylor of Winston, Thompson, Wells, Williams and Wood—22.

Marlowe moved to adjourn till 10 o'clock to-morrow morning;

Lost;

Yeas 22, nays 56.

Those who voted yea are—

Messrs. Carlin, Clarke, Craig, Curtis, Diggs, Dozier, Dustan, Gee, Harmount, Henderson, Johnson of Dallas, McCaskey, Marlowe, Perrin, St. Clair, Stanwood, Strobach, Taylor of Winston, Thompson, Wells, Williams and Wood—22.

Those who voted nay are—

Messrs. Speaker, Appleton, Ashurst, Black, Box, Boyd, Bulger, Bullock, Callaway, Carmichael, Clements, Cowan, Crook, Davis, Ethridge, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, Miller, Moore, Mooring, Murrah, Oates, Payne, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toomer, Toulmin, Ware, Weatherford, White and Wyman—56.

Mr. Strobach rose to speak on the question of adoption of the report of the Committee.

The Speaker decided he was out of order, having spoken twice on the subject.

Mr. Carlin took an appeal from the decision of the Speaker.

The decision of the Speaker was sustained.

The report, exclusive of the resolution, was then adopted;

Yeas 61, nays 17.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Box, Boyd, Bulger, Bullock, Callaway, Carmichael, Clements, Cowan, Crook, Davis, Dustan, Etheridge, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Greene, Gunn, Hamilton, Haralson, Harmount, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, Miller, Moore, Mooring, Murrah, Oates, Payne, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smitherman, Speake, Steele, Strauss, Strobach, Taylor of Lauderdale, Taylor of Winston, Toomer, Toulmin, Ware, Weatherford, Wells, White and Wyman—61.

Those who voted nay are—

Messrs. Black, Carlin, Clarke, Craig, Curtis, Diggs, Dozier,

Gee, Henderson, Johnson of Dallas, McCaskey, Marlowe, Perrin, St. Clair, Stanwood, Thompson and Williams—17.

Mr. Strobach gave notice that he would move to reconsider the vote on the adoption of the report of the Committee on Monday.

The question being on the adoption of the resolution. It was first taken on that part which proposed to unseat George W. Braxdall ;

Which was adopted ;

Yeas 57, nays 21.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Box, Boyd, Bulger, Bullock, Callaway, Carmichael, Clements, Cowan, Crook, Davis, Etheridge, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Harmount, Hewitt, Hodo, Holmes of Baldwin, Holmes, of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, Miller, Moore, Mooring, Murrah, Oates, Payne, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toomer, Toulmin, Ware, Weatherford, White and Wyman—57.

Those who voted nay are—

Messrs. Black, Carlin, Clarke, Craig, Curtis, Diggs, Dozier, Gee, Greene, Haralson, Henderson, Johnson of Dallas, McCaskey, Marlowe, Perrin, St. Clair, Stanwood, Strobach, Thompson, Wells and Williams—21.

The question then recurring on the balance of the resolution, it was adopted ;

Yeas 61, nays 12.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Box, Boyd, Bulger, Bullock, Callaway, Carmichael, Clements, Cowan, Crook, Curtis, Davis, Ethridge, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Green, Gunn, Hamilton, Haralson, Harmount, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, Miller, Moore, Mooring, Murrah, Oates, Payne, Raisler, Rice, Semmes, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toomer, Toulmin, Ware, Weatherford, Wells, White and Wyman—61.

Those who voted nay are—

Messrs. Carlin, Craig, Dozier, Gee, Johnson of Dallas, Mc-

Caskey, Perrin, St. Clair, Stanwood, Strobach, Thompson and Williams—12.

The House adjourned till 10 o'clock Monday morning.

MONDAY, December 5, 1870.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Gwinn.

Journal of Saturday read and approved.

Mr. Strobach offered the following resolution :

Resolved, That the House of Representatives shall go into the election of United States Senator to-morrow, Tuesday, the 6th inst., at 12 o'clock, and that this business shall be considered the special order for the appointed hour to-morrow.

On motion of Mr. Boyd, the House reconsidered the vote by which it refused to adopt the resolution to raise a joint Committee of three from the House and three from the Senate, to propose amendments to the State Constitution ;

And the resolution was adopted.

Mr. Strobach moved to reconsider the vote by which the House adopted the report of the Special Committee on the contestation of the seats of Geo. W. Braxdall and others.

Mr. Boyd moved to lay the motion to reconsider on the table ;

Adopted ;

Yeas 56, nays 25.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Benson, Box, Boyd, Bulger, Bullock, Carmichael, Clements, Cowan, Crook, Davis, Ellison, Etheridge, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lindsay, Lowe, Miller, Moore, Mooring, Murrah, Oates, Payne, Raisler, Rice, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toomer, Toulmin, Ware, Weatherford, White and Wyman—56.

Those who voted nay are—

Messrs. Alley, Black, Carlin, Clark, Craig, Curtis, Diggs, Dozier, Dustan, Gaskin, Gee, Green, Henderson, Johnson of

Dallas, King, McCaskey, Marlowe, Perrin, Speed, St. Clair, Stanwood, Strobach, Thompson, Wells and Williams—25.

The Speaker announced the following as the Committee on Industrial Resources and Immigration :

Messrs. Carmichael, Simms, Hewitt, Leath, Grayson of Clark, Dustan, Strobach and Stanwood.

CALL OF THE COUNTIES.

Mr. Black introduced a bill

To incorporate the Eufaula Hook and Ladder Company ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

BILLS INTRODUCED.

By Mr. White—

To amend sections 97 and 98 of an act entitled an act to establish revenue laws for the State of Alabama, approved December 31, 1868 ;

Mr. Howell—

To amend article 9, section 2, revenue law of Alabama ;

Mr. Williams—

To amend section 42 of the revenue law of Alabama ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Bills were introduced by—

Mr. Appleton (with a petition)—

For the relief of John Griffin and Mary E. Griffin from the disabilities of minority ;

Mr. Appleton—

To authorize and empower Wm. Griffin, administrator of the estate of Henry Griffin, deceased, formerly of DeKalb county, to sell the land, together with the widow's dower, belonging to said estate at public or private sale, without an order from court ;

Mr. Cowan—

To authorize the county treasurer of Jackson county to pay the guards for prisoners of said county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Bills were introduced by—

Mr. Oates—

To repeal an act entitled “ An act to enable certain officers to collect their fees ;

Mr. Oates—

To reorganize the 8th judicial circuit of Alabama ;

Mr. Hurt—

To repeal section 3519 of the Revised Code of Alabama ;

Mr. Lowe—

Joint resolution authorizing the continuance and purchase of Smith's Condensed Reports ;

Mr. Smith, of Sumter—

To amend section 2352 of the Revised Code of Alabama, in relation to the law of divorces ;

Mr. Wyman—

More effectually to prevent the offenses of arson and burglary ;

Mr. Smith of Choctaw—

For the relief of Wm. B. Jackson, of Marengo county, Alabama ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Oates introduced a bill—

To authorize Theodore L. Grunny and William Harrison, citizens of the State of Georgia, to qualify in Alabama as executors of the will of James Harrison, deceased ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Oates introduced a bill, accompanied by a petition—

To create a new judicial circuit, known and designated as the 13th judicial circuit of Alabama ;

Which was read a first time and ordered to a second reading.

Mr. Holmes, of Sumter, introduced a bill—

For the relief of citizens who are exempted, on account of age, from serving on juries ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Leave of absence was granted Mr. Black for the balance of the day.

Mr. Clements introduced bills—

To incorporate the town of North Port, in the county of Tuscaloosa ;

(With petition) To prevent the sale of spirituous liquors within two and a half miles of New Lexington, in Tuscaloosa county ;

Which bills were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Bills were introduced by—

Mr. Williams—

To amend section 61 of the revenue laws of Alabama ;

Amendatory of an act to amend section 16 of the revenue laws of Alabama ;

Which were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

On motion of Mr. Toomer,

House adjourned till 12 o'clock to-morrow.

TUESDAY, December 6, 1870.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Gwin.

Journal of yesterday was read and approved.

The Speaker announced Messrs. Toomer, Boyd and Bulger as the committee on the part of the House to act with a like committee on the part of the Senate to propose amendments to the State Constitution.

Mr. Strobach presented the certificate of George Forrester as a member elect from Randolph county, properly signed by the late Secretary of State.

Mr. Bradford moved to refer the certificate to the Committee on Privileges and Elections.

Mr. Strobach moved to lay the motion to refer on the table.

The motion was adopted ;

Yeas 47, nays 40.

Those who voted yea are—

Messrs. Alley, Appleton, Black, Box, Carlin, Clark, Cochran, Craig, Curtis, Diggs, Dozier, Duskin, Dustan, Gaskin, Gee, Graham, Green, Haralson, Harmount, Henderson, Hewitt, Holmes of Sumter, Johnson of Dallas, Lewis, Lowe, McCall, McCluskey, Marlowe, Mooring, Ninninger, Perrin, Powell, Semmes, Speed, St. Clair, Stanwood, Strauss, Stro-

bach, Taylor of Lauderdale, Thompson, Toomer, Toulmin, Weatherford, Wells, Williams, Wood and Wyman—37.

Those who voted nay are—

Messrs. Speaker, Ashurst, Boyd, Benson, Bradford, Bulger, Bullock, Callaway, Carmichael, Clements, Cowan, Crook, Ellison, Ethridge, Gilchrist, Grayson of Clark, Gunn, Hamilton, Hodo, Holmes of Baldwin, Howell, Hurt, Johnson of Coosa, Leath, Lindsay, Lumpkin, McDermott, Miller, Moore, Murrah, Oates, Raisler, Simms, Smith of Greene, Smitherman, Speake, Steele, Taylor of Winston, Ware and White—40.

Message from the Senate, by Mr. Whiting :

Mr. Speaker :

The Senate has originated and adopted joint resolution, as herewith transmitted :

Resolved, (the House concurring,) That the two Houses of the General Assembly met in the hall of the House of Representatives on Saturday the 10th instant, at 12 o'clock m. for the purpose of going into the election of a public printer.

Mr. Hewitt offered the following resolution :

WHEREAS, Mr. Davis is holding his seat as a representative from Randolph county; and whereas, Mr. Forrester holds the certificate of election; and whereas said certificate is *prima facie* evidence of his election and rights to his seat; therefore—

Be it resolved, That the seat of Mr. Davis be declared vacant, and that Mr. Forrester be sworn in, but that this action shall not prejudice Mr. Davis in contesting the election in said case.

Mr. Dustan moved the previous question—

Which was the adoption of the resolution.

The Speaker asked, “shall the main question be now put,” and it was decided in the affirmative by a four-fifths vote.

The resolution was adopted.

Mr. Forrester came forward and enrolled his name, and took the oath of office.

Mr. Lewis offered the following resolution,

Which was adopted :

Resolved, That the matter of the contest of J. H. Davis against Geo. Forrester for a seat in this House as representative from Randolph county, be referred to the Committee on

Privileges and Elections, with instructions to report on tomorrow, if practicable.

Mr. Taylor of Lauderdale, offered the following resolution,
Which was adopted :

Resolved, That the Door-keeper be authorized and required to have one-half the Gallery of this House fitted up for the accommodation of the ladies, and that the same be known and designated as the "Ladies Gallery," to which no person shall be admitted except ladies and their escorts.

The Senate resolution relative to the election of a State printer, was taken up, and concurred in.

Mr. Bullock offered the following resolution,
Which was adopted :

Be it resolved, That the Committee on Privileges and Elections, be instructed to inquire what further legislation is necessary in reference to the election laws of this State, and to report by bill or otherwise.

The House took an informal recess of five minutes.

The House was called to order by the Speaker at the expiration of the recess, and the hour of twelve o'clock having arrived, at which the House had agreed to go into the election of United State Senator—

Mr. Ellison nominated Thos H. Herndon of Mobile ;

Mr. Toomer nominated Geo. Goldthwaite of Montgomery ;

Mr. Dustan nominated Willard Warner of Montgomery ;

Mr. Speake nominated F. W. Sykes of Lawrence ;

Mr. Bullock nominated Jas. W. Taylor of Greene ;

Mr. Carmichael nominated W. C. Oates of Henry ;

Mr. Taylor of Winston nominated W. J. Haralson of DeKalb ;

Mr. White nominated John Henderson of Talladega ;

Mr. Powell nominated Walter Crenshaw of Butler ;

Mr. Semmes nominated John A. Winston of Mobile ;

Mr. Crook nominated Cullen A. Battle of Macon ;

Mr. Mooring nominated Turner Reavis of Sumter ;

Mr. Ethridge nominated S. J. Cumming of Wilcox ;

Mr. Graham nominated W. B. Modawell of Perry.

Those who voted for Mr. Herndon are—

Messrs. Ellison, McDermott, Strauss and Toulmin—4.

Those who voted for Mr. Goldthwaite are—

Messrs. Speaker, Benson, Boyd, Clements, Leath and Toomer—6.

Those who voted for Mr. Warner are—

Messrs. Alley, Black, Carlin, Clark, Cochran, Craig, Curtis, Diggs, Dozier, Duskin, Dustan, Forrester, Gaskin, Gee, Green, Haralson, Harmount, Henderson, Johnson of Dallas, McCall, McCaskey, Marlowe, Ninninger, Perrin, Speed, St. Clair, Stanwood, Strobach, Thompson, Wells and Williams—31.

Those who voted for Mr. Sykes are---

Messrs. Appleton, Gilchrist, Gunn, Hamilton, Hewitt, Lewis, Miller, Smitherman, Speake, Steel, Taylor of Lauderdale and Weatherford---12.

Those who voted for Mr. Oates are---

Messrs. Carmichael, Grayson of Madison, Kennedy, Lowe, Moore, Payne, Raisler and Rice---8.

Those who voted for Mr. Taylor are---

Messrs. Bullock, Hodo, Murrah, Oates and Smith of Greene, 5.

Those who voted for Mr. Cummings are---

Messrs. Callaway, Etheridge, Grayson of Clark, Holmes Baldwin, Lindsay and Mancill---6.

Mr. Powell voted for Mr. Crenshaw.

Mr. Semmes voted for Mr. Winston.

Those who voted for Mr. Henderson are---

Messrs. Box, Bradford, Howell. Johnson of Coosa, White and Wood---6.

Mr. Taylor of Winston, voted for Mr. Haralson.

Those who voted for Mr. Reavis are---

Messrs. Holmes of Sumter, Mooring, Smith of Choctaw and Smith of Sumter --4.

Those who voted for Mr. Battle are---

Messrs. Ashurst, Bulger, Cowan, Crook, Henry, Hurt, Lumpkin, Simmes, Ware and Wyman---10.

Mr. Graham voted for Mr. Modawell.

On motion of Mr. Toomer, the House adjourned till tomorrow morning 10 o'clock.

WEDNESDAY, December 7, 1870.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Appleton.

Journal of yesterday was read and approved.

Mr. Dustan moved that the House take a recess for one hour ;

Lost.

Mr. Strobach offered the following resolution ;

Which was adopted :

Resolved, That the House invite the Senate to convene in joint session, in the hall of the House of Representatives, to day at 12 o'clock m., for the purpose of balloting for United States Senator, as prescribed by the law of Congress passed in 1866.

Mr. Strobach asked leave of the House to enter a protest against the action of the House in the contestation between Mr. Bradford of Talladega, and George W. Braxdall. In consequence of certain language used in the protest, Mr. Hewitt moved to lay the protest on the table.

Yeas 57, nays 28.

Those who voted yea are---

Messrs. Speaker, Benson, Box, Boyd, Bulger, Bullock, Callaway, Clements, Cowan, Crook, Ellison, Ethridge, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, Lowe, Lumpkin, McDermott, Mancill, Miller, Mooring, Murrah, Oates, Payne, Powell, Raisler, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toomer, Toulmin, Ware, Weatherford and White—57.

Those who voted nay are—

Messrs. Alley, Appleton, Black, Carlin, Clarke, Diggs, Dozier, Dustan, Forrester, Gaskins, Gee, Green, Haralson, Har mount, Henderson, Johnson of Dallas, McCaskey, Marlowe, Nininger, Perrin, Speed, St. Clair, Stanwood, Strobach, Thompson, Wells, Williams and Wyman—28.

Mr. Smith of Sumter, moved to suspend the regular order of business, so as to allow the Committee on Privileges and Elections to make a report ;

Which was lost ;

Yeas 61, nays 29.

Those who voted yea are—

Messrs. Speaker, Appleton, Benson, Box, Boyd, Bradford, Bulger, Bullock, Calloway, Carmichael, Clements, Cowan, Crook, Ellison, Ethridge, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, Lowe,

Lumpkin, McDermott, Mancill, Miller, Moore, Mooring, Murrah, Oates, Payne, Powell, Raisler, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toomer, Toulmin, Ware, Weatherford, White and Wyman—61.

Those who voted nay are—

Messrs. Alley, Black, Carlin, Clarke, Craig, Curtis, Diggs, Dozier, Dustan, Gaskin, Green, Haralson, Harmount, Henderson, Johnson of Dallas, McCall, McCaskey, Marlowe, Nininger, Perrin, Speed, St. Clair, Stanwood, Strobach, Taylor of Winston, Thompson, Wells, Williams and Wood—29.

Mr. Speaker ruled that under the resolution, adopted on yesterday, in relation to the contestation between Messrs. Davis and Forrester of Randolph, the report of the Committee could be received, and considered by the House.

Mr. Harmonnt appealed from the decision of the Speaker.

The decision of the Speaker was sustained ;

Yeas 65, nays 18.

Those who voted yea are—

Messrs. Alley, Appleton, Ashurst, Benson, Box, Boyd, Bradford, Bulger, Bullock, Callaway, Carmichael, Clark, Clements, Cowan, Craig, Crook, Ellison, Etheridge, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Green, Gunn, Henry, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, Lowe, Lumpkin, McDermott, Mancill, Miller, Moore, Mooring, Murrah, Oates, Payne, Powell, Raisler, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toomer, Toulmin, Ware, Weatherford, White and Wyman--65.

Those who voted nay are—

Messrs. Black, Carlin, Curtis, Diggs, Dozier, Duskin, Harmount, Henderson, Johnson of Dallas, McCall, Marlowe, Nininger, Perrin, Speed, Stanwood, Strobach, Wells and Williams—18.

Mr. Smith of Sumter, from the Committee on Privileges and Elections, made the following

REPORT :

The Committee on Privileges and Elections, report, that they have had under investigation the eligibility of George

Forrester of the county of Randolph, to a seat in this body as a member from that county. The charge alleged before your committee against said Forrester's eligibility to a seat in this House as a representative from said county, is, that he was not legally elected, but that J. H. Davis of said county, who is contesting Forrester's seat in said House, was elected as a member of this House by a majority of the votes in said county.

On investigation of the issues involved in this contest, your committee find, according to the returns in the office of the Secretary of State, that Forrester received 683 votes, and Davis received 648 votes, making a majority of 35 votes in favor of Forrester, taking these returns as a data from which to form estimates; but the returns of two beats in said county numbered 4 and 5, were not received in time to be included in the estimates referred to.

A package directed to the Speaker of the House of Representatives from the probate judge of Randolph county, containing the original ballots, poll lists and other evidence, concerning the voting in the beats numbered 4 and 5, was examined by your committee, with the following result: Forrester received 48 votes and Davis 100, giving Davis a majority of 52 votes, which not only overcomes the majority of 35 above mentioned in favor of Forrester, but in the aggregate result gives Davis a clear majority of 17 votes over him.

Your committee is of opinion, and so report, that said George Forrester is disqualified from holding his present seat as a member of this Legislature, and that J. H. Davis is entitled thereto.

Your committee, therefore, recommend that said Forrester be deprived of his seat as a member of the House of Representatives; and that J. H. Davis be sworn in and seated in his stead with the least practicable delay.

Your committee state, as a proper commendation of the character of Mr. Forrester, that during the entire trial of the cause at issue before them, he has given the most unquestionable indications of the greatest honesty, sincerity and personal integrity.

In view of the facts attending this contestation, your committee submit the following resolutions:

Resolved, That George Forrester, at present sitting in this House as a member from the county of Randolph, is not legally entitled to a seat as aforesaid, and that he is hereby

deprived of the seat he now holds as a member of this House.

Resolved, That J. H. Davis being elected to a seat as a member of this House from the county of Randolph, and legally entitled thereto, be sworn in, and seated as a member of said House.

Mr. Strobach, from the committee, submitted the following minority report :

The member of the Committee on Privileges and Elections, to which was referred the contested election case of Randolph county, dissents from the majority report for the following reasons :

1st. The inspectors of the election did not comply with section 35 of the election law.

2d. The contestant did not comply with section 47 of the election law, which is mandatory, and also with sections 48 and 61 of said election law.

3d. The committee overruled all the legal objections of the counsel for the defendant.

4th. The committee refused to summon the judge of probate of Randolph county, as prayed by the defendant.

5th. The committee counted only two boxes, and did not count the balance.

For these reasons the undersigned dissents from the majority report, and asks that it shall be recommitted to the Committee on Privileges and Elections and further time granted.

The question being on the adoption of the majority report, Mr. Bullock moved the previous question ;

And the Speaker asked : " Shall the main question be now put ? "

Which was decided in the affirmative ;

Yeas 61, nays 28.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Benson, Box, Boyd, Bradford, Bulger, Bullock, Callaway, Carmichael, Clements, Crook, Ellison, Etheridge, Gilchrist, Graham, Grayson of Madison, Gunn, Hamilton, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, Lowe, Lumpkin, McDermott, Mancill, Miller, Moore, Mooring, Murrah, Oates, Payne, Powell, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith

of Greene, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toomer, Toulmin, Ware, Weatherford, White and Wyman—61.

Those who voted nay are—

Messrs. Alley, Black, Carlin, Clarke, Craig, Diggs, Doster, Dozier, Dustan, Gaskin, Gee, Greene, Harmount, Henderson, Johnson of Dallas, McCaskey, Marlowe, Nininger, Perrin, Speed, St. Clair, Stanwood, Strobach, Thompson, Wells, Williams and Wood—28.

Pending the discussion, the hour of twelve o'clock having arrived, at which the election for United States Senator, under the laws of Congress was to take place, the Senate came into the Hall of the House and the two Houses of the General Assembly, in joint session, proceeded to the election of a United States Senator.

By order of the President of the Senate, and by order of the Speaker of the House, the Clerk read the journal of the House of yesterday, when it appeared that no candidate voted for had received a majority of the vote of each House.

Nominations being in order,

Mr. Jones nominated Mr. Willard Warner, of Montgomery,

Mr. Toomer nominated Mr. George Goldthwaite, of Montgomery.

Mr. Hinds nominated Mr. W. J. Haralson, of DeKalb.

Those who voted for Mr. Willard Warner are—

Messrs. Barr, Bromberg, Buckley, Foster, Glass, Jones, Lambert, Lentz, McAfee, McIntosh, Martin, Miller, Pennington, Richards, Royal, Sevier, Stow and Yordy of the Senate, and Messrs. Alley, Black, Carlin, Clark, Cochran, Craig, Curtis, Diggs, Doster, Dozier, Duskin, Dustan, Forrester, Gaskin, Gee, Green, Haralson, Harmount, Henderson, Johnson of Dallas, McCall, McCaskey, Marlowe, Nininger, Perrin, Speed, St. Clair, Stanwood, Strobach, Thompson, Wells and Williams of the House—50.

Those who voted for Mr. George Goldthwaite are—

Messrs. Mabry and Worthy of the Senate, and Messrs. Speaker, Appleton, Ashurst, Benson, Box, Boyd, Bulger, Bradford, Bullock, Callaway, Carmichael, Clements, Cowan, Crook, Ellison, Ethridge, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, Lowe, Lumpkin, McDermott, Mancill, Miller, Moore, Mooring,

Murrah, Oates, Payne, Powell, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toomer, Toulmin, Ware, Weatherford, White and Wyman of the House—65.

Those who voted for Mr. W. J. Haralson are—

Messrs. Coon, Farden, Hinds, Johnson, King, Mahan, Martin, Oliver, Santord, Sibley, Wise and Whitney of the Senate, and Messrs. Taylor of Winston and Wood of the House—14.

Mr. Goldthwaite having received a majority of the entire vote cast,

The President of the Senate declared him legally and constitutionally elected United States Senator from the State of Alabama for the term prescribed by law.

On motion of Mr. Lambert,

The convention adjourned and the Senate withdrew.

On motion of Mr. Smith, of Greene,

The House adjourned till to-morrow morning 11 o'clock.

THURSDAY, December 8, 1870.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Gwin.

Journal of yesterday was read and approved.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has passed the House bill—

To authorize Theodore L. Guerry and William Harrison, citizens of the State of Georgia, to qualify as executors of the will of James Harrison, deceased.

M. P. BLUE,
Secretary of Senate.

Leave of absence was granted to Mr. Henry for five days, to Mr. Dozier for three days, to Mr. Alley for two days, and to Mr. Green for one day.

CALL OF THE COUNTIES.

Bills were introduced by

Mr. Doster—

For the relief of Charles E. Boon from the disabilities of minority ;

Mr. Grayson of Clarke—

To repeal an act entitled an act fixing the compensation of the treasurer of Clark county, approved February 14, 1870.

Mr. Moore—

To prohibit the sale of vinous, spirituous or intoxicating liquors within on mile of Wesley Chappel Church, in Coffee county ;

Mr. Mancill—

For the relief of Geo. A. Snowden, a minor of Escambia county, over the age of twenty years ;

Which were severally read the first and second times under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

On motion of Mr. Wood,

The call of the counties was suspended to take up the report of the Committee on Privileges and Elections, relative to the contestation case between Messrs. Davis and Forrester, of Randolph county, for a seat in the House of Representatives.

The report was adopted with that portion stricken out relative to the transmission of the votes to the office of Secretary of State.

Mr. Bulger offered the following resolution ;

Which was adopted :

Resolved, That George Forrester, Esq., late occupant of a seat in this House by virtue of a certificate issued to him by the Secretary of State, be, and is hereby entitled to *per diem* for two days, and mileage to and from Montgomery to his home in Randolph county, to be drawn as member of this House.

Bills were introduced by

Mr. Black—

To repeal an act entitled An act to incorporate the Tuska-loosa Scientific and Art Association.

Mr. McCall—

To amend section 3733 of the Revised Code.

Mr. Crook—

To amend section 2761 of the Revised Code ;

Which were severally read the first and second time, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Smith of Choctaw introduced a bill—

To make Mrs. Sarah J. Ward, wife of E. H. Ward, of Choctaw county, a free dealer ;

Which was read the first and second time, under a suspension of the constitutional rule.

Pending the discussion of the bill, the hour of 12 o'clock having arrived,

On motion of Mr. Strobach—

The special orders were suspended to dispose of the bill.

Mr. Harmount moved the previous question ;

Which being the reference of the bill, and the Speaker having put the question, Shall the main question be now put ? it was decided in the affirmative.

Mr. Strobach offered the following resolution ;

Which he asked to be referred to the Judiciary Committee along with the bill :

Resolved, That the committee on the Judiciary be instructed to report as early as practicable, an amendment to an act (No. 208,) approved December 31, 1868, entitled An act allowing married women to become free dealers ; to the effect that if a woman making the application to become a free dealer, makes affidavit that she is unable to pay the costs, her case shall be tried gratis in the chancery court.

On motion of Mr. Lewis—

The resolution was laid on the table, and the bill was referred to the Judiciary Committee.

Mr. McCall introduced a bill—

To amend section 1 of an act entitled An act to incorporate the town of Midway, in Bullock county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Harmount moved to suspend the orders of the day to continue the call of the counties.

Adopted.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has originated and adopted a joint resolution, as herewith transmitted :

Resolved by the Senate, (the House concurring), That the

General Assembly take a recess from Saturday, the 10th day of December, 1870, until the 12th day of January, 1871.

M. P. BLUE,
Secretary.

Mr. Dustan moved to suspend the call of the counties to take up the Senate message.

Lost.

On motion of Mr. Toomer—

The House adjourned until 11 o'clock to-morrow morning.

FRIDAY, December 9, 1870.

House met pursuant to adjournment.

Prayer by Rev. Mr. Gunn.

Journal of yesterday read and approved.

The Speaker excused Mr. Duskin from service on the contestation case between Messrs. Hitchcock and Wood, and substituted the name of Mr. Dustan; and also the name of Mr. Hewitt, on same committee, in lieu of Mr. Lewis, who is sick.

The Speaker announced that he had appointed William H. Ordiome, of Elmore, and William J. McBryde, of Pike, Inspectors of the Penitentiary.

Mr. Semmes moved a reconsideration of the vote by which the House adopted the resolution, on yesterday, allowing Geo. Forrester, of Randolph, pay for two days, and mileage to and from his home in Randolph to Montgomery.

The motion was lost.

CALL OF COUNTIES.

A bill was introduced by

Mr. Callaway—

Requiring the County Treasurer of Crenshaw county to refund certain moneys collected by him in the year 1869 from persons improperly denominated tobacconists;

Which was read a first and second time under a suspension of the constitutional rule.

Mr. Davis offered an amendment.

Mr. Carmichael offered a substitute for the bill.

Mr. Hurt offered a substitute for the bill.

The bill and amendment and substitutes were referred to a

select committee of five, consisting of Messrs. Bulger, Carmichael, Callaway, Hurt and Bullock.

Bills were introduced by

Mr. Callaway—

To regulate the chancery courts in the 3d chancery division of this State.

Mr. Kennedy—

To establish a chancery court for the county of Sanford.

The same—

To regulate the publication of legal notices in the county of Sanford.

Mr. Steele—

To regulate the equity jurisdiction of circuit courts in this State.

Mr. Bullock—

To regulate the inclosure of stock in Greene county.

Mr. Oates—

To repeal chapter four, of title six, of part two of the Revised Code.

Mr. Thompson—

To regulate the receipt and disbursement of the fund known as the fine and forfeiture fund.

Mr. Hubbard—

To invest Mrs. Ann C. Smith, of Pike county, with certain rights.

Also—

To repeal certain acts therein named.

Also—

To repeal an act to authorize the publication of the laws of Alabama.

Also—

To amend section 2879 of the Revised Code ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Callaway introduced a bill—

To make James H. Veasey a citizen of Crenshaw county.

Mr. Hubbard, a bill—

To change the boundary line between the counties of Bullock and Pike, so as to make J. H. Crowder a citizen of Pike :

Which were severally read a first and second time and referred to the committee on Counties and County Boundaries

Bills were introduced by

Mr. Carmichael—

Authorizing W. B. Patterson, administrator of the estate of John G. Stokes, deceased, to sell a certain house and lot in the town of Clopton, Dale county, belonging to said estate.

Mr. Kennedy—

To remove the administration of the estate of James Metcalf from the county of Madison to the county of Sanford.

Mr. Steele—

(With a petition), To authorize the court of county commissioners of Colbert county to issue bonds for county purposes.

Mr. Duskin—

To authorize the clerk of the circuit court of Hale county, Alabama, to act as clerk of the county court of said county.

Mr. Oates, with petition--

To suspend, limit and restrict, an act for the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama, so as not to apply to Burton Beat, in said county.

Mr. Speake—

To amend an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence.

Mr. Semmes—

For the relief of Silas Bradshaw of the county of Lee.

Mr. Toomer—

To relieve R. L. B. Owen, and Walter Robinson of the county of Lee, of the disabilities of non-age.

Mr. Harmount--

For the relief of Mary Ellen Anderson, a minor of Montgomery county.

Mr. Hubbard—

To remove the disabilities of non-age from Wm. A. McBryde of Pike county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Carmichael introduced a bill—

Requiring the justices of the peace of Geneva county, to act as apportioners and supervisors of public roads in their respective beats ;

Which was read the first and second times under a suspension of the constitutional rule, and referred to the Committee on Public Roads and Highways.

The hour of 12 o'clock having arrived—

On motion of Mr. Murrah, the general orders were suspended to continue the call of the counties.

Bills were introduced by—

Mr. Hewitt, with a petition—

To prohibit the sale of vinous or spirituous liquors at, or within one mile of Central Baptist Church, in Jefferson county.

Mr. Toulmin—

To repeal an act entitled an act to extend the jurisdiction, powers and duties of the Harbor Master and Port Wardens of Mobile.

Mr. Murrah—

To incorporate the town of Pickensville, in the county of Pickens.

Mr. Davis, with a petition—

To prohibit the sale of spirituous liquors within two miles of the Rock Mills Manufacturing House, in Randolph county ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Raisler introduced a bill—

To amend an act to furnish the aid and credit of the State of Alabama, for the purpose of expediting the construction of railroads within the State ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

Mr. Ellison introduced a bill—

To incorporate the Lomax Fire Engine Company No. 4 of the city of Montgomery ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Lindsay introduced a bill, with a petition—

For the relief of Theophilus Clausel ;

Also, a bill—

To amend sections 3518 and 4339 of the Revised Code of Alabama ;

Which were severally read the first and second times under a suspension of the constitutional rule, and laid on the table.

Mr. Thompson introduced a bill—

To amend section one hundred and fourteen (114) of the revenue laws for the State of Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Hubbard introduced a bill—

To equalize and adjust the taxes in this State ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Carmichael offered the following amendment :

Amend by adding the following to the fifth paragraph of the first section, “and shall apply to a firm as well as to a single individual ;”

The bill and amendment were referred to the Committee on Ways and Means.

On motion of Mr. Oates, the call of counties was suspended to enable the Committee on Ways and Means to make report.

Mr. Oates, from the Committee on Ways and Means, reported adversely to the bills—

To amend section two of an act entitled an act to amend an act entitled an act to establish revenue laws for the State of Alabama ;

To amend section 80 of an act to establish revenue laws for the State of Alabama, approved December 31, 1868 ;

To provide for the pay of the members and officers of the present General Assembly ;

The report of the committee was concurred in.

Mr. Oates, from the same committee, reported favorably, with an amendment, to the bill—

To repeal an act to amend an act entitled an act to establish revenue laws for the State of Alabama ;

Amend, by adding the following section—

“Section 2. Be it further enacted, That the aforesaid act entitled an act to establish revenue laws for the State of Alabama, approved December 31st, 1868, the 24th section of which was amended by the act above repealed, is hereby re-enacted and declared in full force ;”

The amendment was adopted, and the bill read the third time forthwith and passed.

Also, favorably to the bill—

To amend section eleven (11) of an act to establish revenue laws for the State of Alabama.

On motion of Mr. Harmount, the bill was made the special order for 12 o'clock m. on Monday.

Also, favorably, with the following amendments, to the bill—

To make appropriations for the fiscal year ending September 30th, 1871.

Amend by striking out "four thousand," where the words occur in the paragraph making appropriation to pay the watchmen, messenger and servant employed by the Governor, and insert "three thousand ;"

Also, amend last paragraph by striking out "twenty-five" and inserting "ten ;"

The amendments were adopted, the bill read the third time forthwith and passed, yeas 78, nays 7, and ordered forthwith to the Senate.

Those who voted in favor of the passage of the bill are—

Messrs. Speaker, Appleton, Ashurst, Benson, Black, Boyd, Bradford, Bulger, Bullock, Callaway, Carmichael, Clark, Clements, Cochran, Craig, Crook, Curtis, Davis, Diggs, Doster, Duskin, Ellison, Gaskin, Gilchrist, Gee, Grayson of Clark, Grayson of Madison, Gunn, Hamilton, Haralson, Harmount, Henderson, Hewitt, Hodo, Holmes of Baldwin, Homes of Sumter, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, Leath, Lindsay, Lowe, Lumpkin, McCall, McDermott, Marlowe, Miller, Mooring, Murrah, Nininger, Oates, Payne, Perrin, Powell, Raisler, Semmes, Simms, Smith of Choctaw, Smith of Greene, Speake, St. Clair, Stanwood, Steele, Strauss, Strobach, Taylor of Lauderdale, Taylor of Winston, Toomer, Toulmin, Ware, Weatherford, Wells, White and Williams—78.

Those who voted nay are—

Messrs. Carlin, Cowan, McCaskey, Smith of Greene, Smith of Sumter, Thompson and Wyman—7.

Leave of absence was granted Mr. Strobach for one day, Mr. Etheridge for five days, and Mr. Gaskin for one day.

Mr. Bradford offered the following resolution ;

Which was adopted :

Resolved, That a special committee be appointed by the Speaker of this House to be charged with the duty of investigating the condition, management and expenses of the State institution for the deaf, dumb and blind, located in the county of Talladega, and with the further duty of making a like investigation into the affairs of the State Hospital, located in the county of Talladega.

Resolved, That the investigation of said committee be searching and minute, and that the said committee have full power to send for persons and papers, and compel the production, in any of the legal modes, of any and all testimony it may need in its inquiries; and that as early as possible the said committee report to this House whether any, and what, legislation is necessary to reduce the expenses of said institution, or to dispense with either one of them that may be no longer necessary to that class of unfortunates for whose benefit it was created.

On motion of Mr. Stanwood,

The House adjourned till 11 o'clock to-morrow morning.

SATURDAY, December 10, 1870.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Murrah.

Journal of yesterday read and approved.

Message from the Senate by Mr. Whiting.

Mr. Speaker :

The Senate has originated and passed bills of the following titles :

To fix the time of holding the courts in the 4th judicial circuit;

To repeal an act entitled an act to allow the officers of Barbour county to charge and receive fifty per cent. on their fees allowed by law in the Code of Alabama;

For the relief of Lucius L. Buckalew, of Chambers county;

To relieve R. L. B. Owen, of Lee county, of the disabilities of minority;

To amend an act to vest certain lands in the widow of J. L. Ward, deceased, late of Cherokee county;

To authorize the commissioners court of Walker county to levy a special tax to liquidate all the county indebtedness up to September 1st, 1871.

And has passed House bills—

To amend section 2 of an act to incorporate the Alabama Fire Engine No. 2, approved February 12, 1856;

To amend section 11 of an act entitled an act to incorpor-

ate the town of Columbia, Henry county, approved January 28, 1870 ;

To repeal an act to regulate the appointment of overseers and supervisors of public roads in the county of Henry.

And has adopted House joint resolution appointing a joint committee of three from the House and three from the Senate relative to considering and proposing amendments to the State constitution.

Committee on part of the Senate—

Messrs. Worthy, Pennington and Sanford.

Mr. Steele offered the following resolution ;

Which was adopted :

WHEREAS, David Deshler, of the town of Tuscumbia, prefers to the State the original map and profile, together with an historical account of the Tuscumbia, Courtland & Decatur Railroad, the first railroad built west of the Alleghany Mountains ; therefore, be it

Resolved, That the same be accepted and deposited in the office of the Secretary of State for safe keeping and future reference.

Mr. Bulger, from the select committee on the contested election case of Micah Taul *vs.* A. C. Wood, for a seat in the House of Representatives, reported :

That the committee have had under investigation said cause, and find that at the election held for Representatives of the General Assembly, on the 8th day of November last, 1870, that Ashley C. Wood, Esq., received seventeen hundred and forty-two (1,742) votes, and Mr. Amos Hitchcock received sixteen hundred and ten (1,610) votes. Upon proof made and a comparison of the poll list, registration list and ballots, said committee finds that Mr. Wood received one hundred and eighty-one (181) illegal votes, one hundred and seventy-five of which votes we found not to have been registered in accordance with the late law, and six of which illegal votes were proven to this committee, by proof made us in chancery causes, to have been voted by persons under the age of twenty-one years—aggregating the above number of 181 illegal votes ; and that the committee find six illegal votes cast for Mr. Hitchcock ; which count shows Mr. Amos Hitchcock to be duly elected a member of this General Assembly at said election by a majority of forty-three (43) votes, from the said county of Talladega. In accordance with which your

committee would recommend the adoption of the resolutions herewith submitted :

Resolved, 1st. That Ashley C. Wood, Esq., the sitting member on this floor, is not entitled to said seat, and that he be unseated ; and that Amos Hitchcock, Esq., is entitled to said seat, and that he be sworn in as a member of this House.

Resolved, 2d. That we find the said Ashley C. Wood, Esq., is and has been occupying said seat by virtue of a certificate of election issued by Charles A. Miller, Esq., Secretary of State, and is, therefore, entitled to his *per diem* and mileage as a member of this House to this date.

W. D. BULGER, Ch'n.

J. M. HEWITT,

C. W. DUSTAN,

JAMES CROOK.

The report and resolutions were adopted.

Mr. Hitchcock was then qualified and registered his name.

Mr. Speaker announced that he had appointed Messrs. Bradford, Crook and Smith of Choctaw, the committee, under the resolution of inquiry into the condition, &c., of the Deaf, Dumb and Blind Institute.

On motion of Mr. Oates,

The Senate resolution relative to a recess was taken up.

Mr. Oates moved to amend as follows :

Strike out "Saturday, the 10th," where the words occur in the resolution, and insert "Thursday, the 13th ;" strike out "12th" and insert "Wednesday, the 18th ;" also, add these words : "Provided, no mileage shall be allowed to any member of the General Assembly."

Mr. Bulger moved to amend by striking out "10th" and inserting "17th," and striking out "12th day of" and inserting "third Monday in."

Pending the consideration of the Senate message, the hour of 12 o'clock having arrived, the Senate was invited into the Hall of the House and the two Houses, in joint assembly, proceeded to elect a State Printer.

Nominations being in order,

Mr. Oates nominated W. W. Screws, of Montgomery.

Mr. Marlowe nominated James Shaw, of Selma.

On casting up the vote, it appeared that Mr. Screws had received 75 votes and Mr. Shaw 37 votes.

The President of the Senate announced that Mr. Screws

having received a majority of the whole vote cast, was constitutionally elected State Printer for the term prescribed by law.

Those who voted for Mr. Screws are—

Messrs. King, Mabry, Morton, Sanford, Sevier and Worthy of the Senate, and Messrs. Speaker, Appleton, Ashurst, Benson, Black, Box, Boyd, Bradford, Bulger, Bullock, Callaway, Carmichael, Clements, Cochran, Cowan, Crook, Davis, Doster, Ellison, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Harmount, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, Lowe, Lumpkin, McCall, McDermott, Mancill, Miller, Moore, Mooring, Murrah, Oates, Payne, Powell, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toomer, Toulmin, Ware, Weatherford, White and Wyman of the House—75.

Those who voted for Mr. Shaw are—

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Johnston, McAfee, Mahan, Martin, Miller, Oliver, Richards, Sibley, Stow, Wise, Whitney and Yordy, of the Senate; and Messrs. Carlin, Craig, Curtis, Duskin, Dustan, Gaskin, Gee, Greene, Haralson, Henderson, Johnson of Dallas, McCaskey, Marlowe, Nininger, Perrin, St. Clair, Stanwood, Thompson and Wells, of the House—37.

On motion of Mr. Farden, the Convention adjourned.

Leave of absence was granted Messrs. Bulger, Cochran, Clark, (the Door-keeper,) Simms, Ware, Smitherman, Nininger and Strauss for two days, and Mr. Mooring for six days.

The House resumed the consideration of the Senate resolution relative to adjournment for recess.

Mr. Boyd offered the following amendment :

Resolved, That this General Assembly do adjourn on Thursday, the 15th inst., *sine die*.

Lost.

Mr. Boyd moved to lay Mr. Oates' amendment on the table.

Lost.

Mr. Harmount moved to make the Senate resolution, and the amendments proposed by the House, the special order for Monday at 12 o'clock.

Lost.

Mr. Harmount moved to adjourn till 10 o'clock Monday morning.

Lost.

Question being on the adoption of Mr. Bulger's amendment, it was lost.

Mr. Harmount moved to lay the resolution and amendments on the table.

Lost.

Mr. Bullock moved to amend Mr. Oates' amendment by striking out the proviso.

The motion prevailed—yeas 67, nays 20.

Those who voted yea are—

Messrs. Speaker, Ashurst, Benson, Boyd, Bulger, Bullock, Carlin, Clarke, Clements, Cochran, Cowan, Craig, Crook, Curtis, Davis, Doster, Duskin, Dustan, Ellison, Gaskin, Gee, Graham, Grayson of Madison, Green, Gunn, Haralson, Hodo, Holmes of Sumter, Hurt, Johnson of Dallas, Kennedy, Leath, Lewis, Lowe, Lumpkin, McCall, McCaskey, McDermott, Miller, Moore, Mooring, Murrah, Oates, Payne, Powell, Perrin, Raisler, Rice, Semmes, Simms, Smith of Greene, Smith of Sumter, Smitherman, St. Clair, Stanwood, Steele, Strauss, Taylor of Winston, Thompson, Toomer, Toulmin, Ware, Weatherford, Wells, White, Williams and Wyman—67.

Those who voted nay are—

Messrs. Appleton, Black, Box, Bradford, Callaway, Carmichael, Grayson of Clark, Hamilton, Harmount, Hitchcock, Henderson, Hewitt, Holmes of Baldwin, Howell, Johnson of Coosa, Lindsay, Mancill, Smith of Choctaw, Speake, and Taylor of Lauderdale—20.

Mr. Lowe offered the following as a substitute :

Resolved by the House of Representatives, That this House will take no recess during the present session of the General Assembly.

On motion of Mr. Boyd, it was laid on the table---yeas 62, nays 27.

Those who voted yea are—

Messrs. Speaker, Ashurst, Benson, Boyd, Black, Bradford, Bullock, Carlin, Clarke, Clements, Cochran, Craig, Crook, Curtis, Davis, Doster, Duskin, Dustan, Ellison, Gaskin, Gee, Gilchrist, Graham, Green, Haralson, Henderson, Hodo, Holmes of Sumter, Johnson of Coosa, Johnson of Dallas, Kennedy, Lewis, Lindsay, McCall, McCaskey, McDermott, Mancill, Marlowe, Miller, Mooring, Murrah, Oates, Payne, Perrin, Raisler, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, St. Clair, Stanwood, Steele, Strauss, Taylor of Lauderdale, Thompson, Toomer, Ware, Weatherford, Wells, Williams and Wyman—62.

Those who voted nay are—

Messrs. Appleton, Box, Bulger, Callaway, Carmichael, Cowan, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Harmount, Hewitt, Hitchcock, Holmes of Baldwin, Howell, Hurt, Leath, Lowe, Lumpkin, Moore, Powell, Rice, Semmes, Speake, Taylor of Winston, Toulmin and White—27.

Mr. Oates' amendment was then adopted, and ordered forthwith to the Senate.

By leave of the House, bills were introduced by

Mr. Lewis---

In relation to the Annual Alabama Conference of the Methodist Episcopal Church South ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Also---

To repeal a certain act therein named.

Mr. Taylor of Winston---

(With a petition,) To legalize the tax sales of real estate made in Winston county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the committee on Ways and Means.

Mr. Lewis---

To amend section 1998 of the Revised Code ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Moore---

To remove the disabilities of non-age of Peyton Reynolds, of Coffee county ;

For the relief of Laura Terry, of Geneva county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

REPORT OF A STANDING COMMITTEE.

Mr. Toulmin, from the Judiciary Committee, reported back the bill---

To incorporate the Eagle Hook and Ladder Company No. 1, of the city of Demopolis ;

And asked that it be recommitted to the committee on Corporations.

The report was concurred in.

Also, from the same committee, asked the recommitment of the bill—

To limit the powers of the commissioners' court of Choctaw county,

To the committee on Local Legislation.

The report was concurred in.

Also, from the same committee, reported favorably to the bill—

To restore civil jurisdiction to the city court of Mobile ;

Which was read the third time forthwith and passed, and ordered to the Senate.

Also, favorably to the bill—

For the securing of agricultural laborers in their wages ;

Which was read the third time forthwith and passed.

Also, favorably, with amendment, to the bill—

To repeal an act to regulate the publication of legal and other notices in the State of Alabama, approved August 12th, 1868, and an act entitled an act to amend the same, approved October 10th, 1868 ;

Amend by adding the following :

“Section 2. Be it further enacted, That the several sections of the Revised Code, revised, amended, and repealed by the above mentioned acts, be, and the same are hereby re-enacted, and declared in full force.”

The amendment was adopted,

And the bill read the third time forthwith and passed.

Also, favorably to the bills—

To protect the rights of innocent purchasers in certain cases ;

To repeal an act for the suppression of secret organizations of men, disguising themselves for the purpose of committing crimes and outrages, approved December 26th, 1868 ;

To repeal an act entitled an act for the relief of laborers and employees ;

Which were severally ordered to a third reading.

Also, favorably, with a substitute, for the bill—

To repeal an act entitled an act to suppress murder, lynching and assaults, and batteries ;

The substitute was lost.

On motion of Mr. Harmount, the vote by which the House refused to adopt the substitute, was reconsidered.

Mr. Hewitt moved to strike out the proviso ;

Mr. Harmount moved to lay bill and substitute on the table ; Lost.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has concurred in the House amendment to the Senate joint resolution in relation to a recess.

Mr. Bradford, by leave, introduced a bill—

To repeal and amend an act entitled an act to amend and repeal subdivision ten of section 750 of the Revised Code ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Smith of Greene—

The House adjourned till 10 o'clock Monday morning.

MONDAY, December 12, 1870.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Kinzer.

Journal of Saturday read and approved.

On motion of Mr. Smith of Sumter, the call of the counties was suspended, to allow the Committee on Privileges and Elections to report.

Mr. Smith of Sumter, from said Committee, made the following report ;

Which was concurred in :

REPORT.

The Committee on Privileges and Elections, having had under advisement the eligibility of Hon. G. M. Duskin of the county of Hale, who was charged with holding the office of county solicitor at the time of his election, report, that said Duskin was acting in the capacity of county solicitor at the time aforesaid. There are many serious legal questions involved in the consideration of Mr. Duskin's eligibility to a seat in this House.

Your Committee incline to the opinion, taking in view all the circumstances attending Mr. Duskin's incumbency of the

solicitorship, that he is not disqualified from holding his seat in this House as a member from Hale county.

They, therefore, recommend that he be allowed to retain his seat undisturbed.

In conclusion, your Committee, while earnestly recommending that Mr. Duskin be allowed to retain his seat, beg leave to express the hope that their action in this behalf may not be regarded as a precedent, inasmuch as the whole subject is surrounded with grave legal questions.

E. W. SMITH,
Chairman.

Mr. Smith of Sumter, from the same Committee, made the following

REPORT :

The Committee having had under consideration the charge alleged against G. M. Drake, a sitting member of this House, from the county of Bullock, that before his election as a representative from said county, he challenged Joseph Hodgson, Esq., of the city of Montgomery, to fight a duel with deadly weapons, report, that they have investigated said charge fully, and find from the evidence adduced before them, that said Drake did challenge said Hodgson to fight a duel with deadly weapons before his election to a seat as a member of this House.

In order that the animus of the parties to this unfortunate occurrence may be more fully understood by the House, a newspaper is herewith placed before your honorable body as an accompaniment of this report.

After weighing the evidence brought before your Committee, they are of the opinion that the facts shows incontestibly, that Mr. Drake did challenge Mr. Hodgson to fight a duel with deadly weapons, and that said challenge was given in the city of Montgomery, prior to the election of the 8th day of November last.

Your Committee, therefore, report, that said Drake is not eligible to a seat as a member of this House, and recommend that his seat be vacated without delay.

To the end that this report may take effect, your Committee submit the following resolution :

Resolved, That G. M. Drake, at present sitting in this House as a member from Bullock county, is not entitled to a seat

as aforesaid, and that the same be, and is hereby declared vacated.

E. W. SMITH,
Chairman.

Mr. Lowe, from the same Committee, made the following

REPORT :

The undersigned members of the Committee on Privileges and Elections, and composing a majority of said Committee, report, that G. M. Drake of Bullock county, charged with having failed to register in said county prior to the election on the 8th November last, by said I. A. Wilson of said county, is not amenable to said charge, the same having failed to be sustained by the evidence.

WM. M. LOWE,
PAUL STROBACH,
WM. HENDERSON,
CHAS. S. G. DOSTER,
J. M. CARMICHAEL.

Mr. Semmes, from the minority of the committee in the case of I. A. Wilson vs. G. M. Drake, reported :

The undersigned, a minority of your Committee on Privileges and Elections, would respectfully report, that they, in conjunction with the majority of said committee, have carefully investigated the allegations made against G. M. Drake, esq., of Bullock county, and feel constrained to report that on the day of election, viz : 8th of November, 1870, G. M. Drake, esq., went into the office of the judge of probate for Bullock county, and took the registration oath, but did not subscribe his name thereto. The judge of probate, by authority of said Drake, wrote his name on a blank piece of paper ; on the day after the said election, the said judge of probate placed the name of G. M. Drake on the registration book, under the registration oath ; that this is the only place where the name of G. M. Drake appears as subscribed to the registration oath ; that the oath administered to said Drake was read to him by the judge of probate from the registration book. These facts having been substantiated beyond any reasonable doubt, we, the undersigned, deem it our duty to construe the constitution of the State of Alabama strictly, and as the registration of G. M. Drake was not in strict com-

pliance with said constitution, we, the undersigned, find that the said G. M. Drake is not eligible to the seat he now holds in this House, and would respectfully recommend the adoption of the following resolution :

Be it resolved, That G. M. Drake, esq., now sitting in this House as a member from Bullock county, is not entitled to the seat held by him, but that I. A. Wilson, of Bullock county is entitled to said seat, and that the said I. A. Wilson of Bullock county, be sworn in as the rightful member from Bullock county.

B. F. TAYLOR,
E. W. SMITH,
O. J. SEMMES.

On motion of Mr. Lowe, the House decided that the majority and minority reports of the committee in the contestation case should be decided first.

On motion of Mr. Strobach, the special order for 12 o'clock was postponed, to dispose of the report of the committee.

On motion of Mr. Hewitt, the previous question was put and sustained—

Question being on concurrence in the report of the majority, it was concurred in ;

Yeas 57, nays 18.

Those who voted yea are—

Messrs. Appleton, Ashurst, Benson, Box, Bradford, Bulger, Callaway, Carlin, Carmichael, Clark, Cowan, Craig, Crook, Curtis, Davis, Diggs, Doster, Duskin, Dustan, Gee, Gilchrist, Grayson of Madison, Green, Gunn, Hamilton, Haralson, Harmount, Hewitt, Hitchcock, Holmes of Baldwin, Johnson of Coosa, Johnson of Dallas, King, Lindsay, Lowe, McCall, McCaskey, Marlowe, Moore, Murrah, Oates, Payne, Raisler, Rice, Smitherman, Speake, St. Clair, Stanwood, Steele, Strobach, Taylor of Winston, Thompson, Wells, White, Williams and Wyman--57.

Those who voted nay are—

Messrs. Speaker, Boyd, Bullock, Clements, Ellison, Grayson of Clarke, Hodo, Holmes of Sumter, Leath, Lewis, Mancill, Miller, Semmes, Smith of Greene, Smith of Sumter, Taylor of Lauderdale, Toulmin and Weatherford—18.

Message from the Senate, by Mr. Whiting :

Mr. Speaker :

The Senate has originated and passed bills of the following titles :

To amend an act entitled an act to incorporate the town of Mumford, in the county of Talladega ;

For the relief of Mrs. Dalton R. Seals of Lee county ;

To repeal an act entitled an act to incorporate the Fort Browder Male Academy, in Barbour county ;

To constitute Eliza E. West of Perry county, and Elizabeth Miller of Coffee county, free-dealers.

And has passed the following House bills :

To prohibit the sale of spirituous liquors within two miles of Rock Mills Manufacturing House in Randolph county ;

To prohibit the sale of vinous or spirituous liquors at, or within one mile of Central Baptist Church, in Jefferson county ;

For the relief of Wm. N. Phillips of Marshall county.

Mr. Bulger, by leave, offered the following resolution :

Resolved, That two-thirds of both houses concurring, the present session of this General Assembly be, and the same is hereby extended, so that the same may continue for more than thirty days, and so long as both houses may think proper, for the transaction of business.

The resolution was adopted ;

Yeas 67, nays 7.

Those who voted yea are—

Messrs. Speaker, Ashurst, Benson, Black, Boyd, Bradford, Bulger, Bullock, Callaway, Carlin, Carmichael, Clark, Cowan, Crook, Davis, Diggs, Doster, Dustan, Ellison, Gilchrist, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Haralson, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Johnson of Coosa, Johnson of Dallas, King, Leath, Lewis, Lindsay, McCaskey, Marlowe, Miller, Moore, Murrah, Oates, Payne, Perrin, Raisler, Rice, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, St. Clair, Stanwood, Steele, Strobach, Taylor of Lauderdale, Taylor of Winston, Toulmin, Weatherford, Wells, White and Wyman—67.

Those who voted nay are—

Messrs. Appleton, Box, Harmount, Hewitt, Lowe, McCall and Thompson—7.

The Speaker announced that he had appointed Messrs. Semmes, Hodo and Dustan a committee to examine into the Auditor's and Treasurer's offices.

On motion of Mr. Mancill, the House adjourned till tomorrow morning 10 o'clock.

TUESDAY, December 13, 1870.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Kinzer.

Journal of yesterday was read and approved.

CALL OF THE COUNTIES.

Bills were introduced by—

Mr. Bulger—

To prohibit the sale of spirituous or vinous liquors within three miles of Hillabee Camp-ground, in Tallapoosa county.

Mr. Wyman—

To relieve Robert R. Varner of the disabilities of non-age.

Mr. Taylor of Winston—

To authorize the commissioners court of Winston county to levy a special tax to build a court-house and jail ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Strobach, a bill—

To provide for a more efficient system of working on public roads in Montgomery county.

Mr. Holmes of Sumter—

To enable the commissioners courts of Sumter county to erect bridges, and to make the same preferred claims against said county ;

Which were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Public Roads and Highways.

Bills were introduced by

Mr. Lewis—

To fix the times of holding the chancery courts in the middle chancery division ;

Also, to provide for the submission of causes in vacation, in the middle chancery division.

Mr. Box—

For the relief of the estate of Burwell T. Pope, deceased, late Judge of the 12th judicial circuit of the State of Alabama ;

Mr. Smith of Sumter, (with a petition)—

To repeal an act entitled an act to register and pay debts of Sumter county, approved March 1st, 1870 ;

Mr. Bulger—

To repeal an act entitled an act to amend sections 4377 and 4390 of the Revised Code of Alabama ;

Also, to repeal an act entitled an act to define the powers of justices of the peace, in the counties of Dallas, Pickens, and other conntics, approved February 23d, 1866 ;

Also, to authorize Eldred M. Barnes of Tallapoosa county, to practice law in the courts of this State ;

Mr. Wyman—

To amend the law of partnerships ;

Mr. Perrin—

To amend section 4338 of the Revised Code ;

Mr. Crook—

To amend section 1827 of the Revised Code of Alabama ;

Also—

To amend section 1831 of the Revised Code of Alabama ;

Mr. Lewis—

To amend section sixty of chapter 2, title 3, part 1, of the Revised Code ;

Mr. Smith of Choctaw—

To secure justices of the peace, and notaries public in their fees. in certain cases ;

Mr. Moore—

To regulate elections in the State of Alabama ;

Which were severally read the first and second times under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Lewis—

To amend section 3 of the revenue laws ;

Mr. Miller—

To consolidate the offices of tax collector and assessor, in the county of Walker ;

Mr. Crook—

To amend paragraph 22 of section 112, of an act to establish revenue laws for the State of Alabama, approved December 31, 1868 ;

Mr. Moore---

To regulate the rate of taxation in the State of Alabama ;

To amend section 100 of the revenue laws of Alabama ;
Which were severally read the first and second times under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Lewis—

To amend an act to establish the city court of Eufaula ;
Which was read the first time.

Mr. Black moved to lay on the table ;

Lost.

The bill was read the second time under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Box—

To relieve Susan Bradford of St. Clair county, from the disabilities of minority ;

Mr. Smith of Sumter—

To relieve Benjamin W. Little of Sumter county, from the disabilities of minority ;

Mr. Bradford—

To allow Arthur T. Wood of Talladega county to act as if he had attained his majority ;

Mr. Ashurst—

To declare certain parties herein mentioned free-dealers ;

Mr. Bulger---

For the relief of Sarah E. Mitchell, wife of Wilson L. Mitchell, of Tallapoosa county ;

Also---

To prohibit the sale of spirituous or vinous liquors, at, or within one-half mile of Andrew Chapel Lodge, in Tallapoosa county ;

Mr. Moore---

To restrain the powers of the court of county commissioners of Coffee county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Smith of Sumter---

To abolish fences and enclosures in certain localities in the county of Macon ;

Which was read the first time.

Mr. Alley moved to lay it on the table ;

Lost.

The bill was read the second time, under a suspension of

the constitutional rule, and referred to the Committee on Local Legislation.

Message from the Governor :

EXECUTIVE DEPARTMENT,
Montgomery, Dec. 13, 1870. }

Mr. Speaker :

I am requested by his Excellency the Governor, to inform you that he has this day approved the following acts originating in the House of Representatives :

An act for the relief of Wm. M. Phillips, of Marshall county ;

An act to prohibit the sale of spirituous liquors within two miles of the Rock Mills Manufacturing House in Randolph county ;

An act to prohibit the sale of vinous, or spirituous liquors at, or within one mile of Centreville Baptist Church, in Jefferson county.

Respectfully,

JOHN H. GINDRAT,
Private Secretary.

Mr. Bradford offered the following resolution ;

Which was adopted :

WHEREAS, some of the citizens of Clay county, living near the boundary line of Clay and Talladega counties, are put to great trouble and inconvenience in crossing what is called "Big Mountain," that traverses the former county, in order to reach Ashville, the county seat of said county : Therefore,

Be it resolved, That the Committee on Counties and County Boundaries, be required to consider the propriety of changing the boundary line of said counties, so that it will run along or near the crest of the said mountain, except where the line has been changed so as to include Chandler's Springs in Talladega county, and report to this House by bill or otherwise.

Mr. Bulger, from the Select Committee, to whom was referred the bill—

Requiring the county treasurer of Crenshaw county to refund certain moneys collected by him in the year 1869, from persons improperly denominated tobaccoists ;

Reported a substitute for the original bill and substitute committed with it. The title of the bill, as substituted, reads as follows :

A bill for the relief of certain tax payers therein named.

The substitute was adopted, and the bill made the special order for Wednesday, 12 o'clock, m.

Mr. Wyman introduced a bill—

To authorize the Governor to receive the land scrip granted to this State by the act of Congress approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and by the acts supplementary thereto; and to provide for the sale of land scrip, and the secure investment of the proceeds of such sale;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on Education.

Mr. Wyman presented a petition, which was referred to the committee on Ways and Means.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has passed the House bill—

To amend section 1 of an act entitled An act to incorporate the town of Midway, in Bullock county.

And has originated and passed a joint resolution as herewith transmitted :

Joint resolution for the relief of Mrs. Lucinda Applegate.

M. P. BLUE,
Secretary.

On motion of Mr. Bulger—

The joint resolution of the Senate, just received, was taken up, read the first and second times, under a suspension of the constitutional rule, and referred to the committee on Fees and Salaries.

Mr. Crook offered the following resolution, accompanied by a memorial;

Which resolution was adopted :

Resolved, That the memorial purporting to come from the citizens of Calhoun and Etowah counties, asking an appropriation out of the school fund to pay teachers for services rendered, by and under contract with the State of Alabama,

through her authorized agents, be referred to the committee on Education, with instructions to report upon the same by bill or otherwise.

Mr. Grayson of Clarke introduced a bill—

To establish the 13th judicial circuit of Alabama ;

Which was read a first time and ordered to a second reading.

Mr. White, a bill—

To amend section 16 of an act entitled An act for the government of the bureau of Industrial Resources, approved August 12, 1868 ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Black moved to lay the bill on the table ;

Lost.

Mr. Bulger moved to amend the bill by striking out "100" and inserting "5."

The amendment was adopted, and the bill referred to the committee on Ways and Means.

Mr. Moore, a bill—

For the relief of persons against whom a divorce has been obtained ;

Which was read the first and second times, under a suspension of the constitutional rule, and ordered to a third reading.

The hour of 12 o'clock having arrived, the call of the counties was suspended to enable committees to report.

REPORTS OF STANDING COMMITTEES.

Mr. Lewis, from the committee on Corporations, reported favorably to the bill—

In relation to the Annual Alabama Conference of the Methodist Episcopal Church South ;

Which was read the third time forthwith and passed, and ordered to the Senate.

The report of the committee on Privileges and Elections, on the case of G. M. Drake, was taken up, and the report relative to the violation of the duelling act was not concurred in—yeas 20, nays 59.

Those who voted yea are—

Messrs. Ashurst, Boyd, Bullock, Carmichael, Clements, Davis, Ellison, Hodo, Holmes of Baldwin, Leath, Lindsay, Murrah, Payne, Semmes Smith of Choctaw, Smith of Greene, Smith of Sumter, Taylor of Lauderdale, Toomer and Weatherford—20.

Those who voted nay are—

Messrs. Speaker, Alley, Black, Box, Bradford, Bulger, Callaway, Clarke, Cochran, Cowan, Crook, Curtis, Diggs, Doster, Dozier, Duskin, Dustan, Gaskin, Gee, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Greene, Gunn, Hamilton, Haralson, Harmount, Hewitt, Hitchcock, Holmes of Sumter, Howell, Johnson of Coosa, Johnson of Dallas, Kennedy, King, McCall, McCaskey, McDermott, Mancill, Marlowe, Moore, Nininger, Oates, Perrin, Raisler, Rice, Smitherman, St. Clair, Stanwood, Steele, Strobach, Taylor of Winston, Thompson, Toulmin, Wells, White, Williams and Wyman—59.

Mr. Oates, by leave, introduced a bill—

To exempt certain property from levy and sale ;

Which was read the first time, and,

On motion of Mr. Toomer—

Was laid on the table, and 200 copies ordered to be printed.

Also, a bill—

To repeal article 5, of chapter 19, of title 1, of part 3, and subdivision 6, of section 2061 of the Revised Code;

Which bills were read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Leave of absence was granted Messrs. Bullock, Grayson of Madison, and White, for two days, and Messrs. Lumpkin and Henderson for three days.

Mr. Smith of Sumter, from the committee on Privileges and Elections, made the following

REPORT.

The committee have examined the evidence and considered the charges alleged against N. D. Stanwood, a sitting member from the county of Lowndes, in this body.

The charges alleged against said Stanwood are, that he was not a qualified elector of the county of Lowndes at the time of the election, on the 8th day of November last ; and that, at the time of said election, he held a lucrative office under the United States government. A majority of your committee, after examining the evidence placed before them relative to the eligibility of Mr. Stanwood to a seat in this House, on the charges preferred—

That the said Stanwood, at the time of said election, on the 8th day of November, 1870, was not a qualified elector

of said county at that time, and is consequently ineligible on that ground, the evidence showing that he had no citizenship in said county at the time of said election.

The undersigned, a majority of your committee, further report—

That said Stanwood, at the time of said election, did hold a lucrative office under the United States government, on the 8th day of November last, and after that period, and is disqualified from holding a seat as a member of this House on that ground.

The majority of your committee sitting at the hearing of this cause, therefore recommend that the seat now held in this House by said Stanwood as a member thereof, be declared vacated with the least practicable delay.

The evidence touching the subject matter of this report is contained in an enclosure marked Exhibit A, and herewith transmitted in substantiation of the majority report.

To the end that the recommendations of this report may be brought to the proper consideration of your honorable body, the following resolutions are submitted:

Resolved, 1. That N. D. Stanwood, a sitting member of this House from the county of Lowndes, is disqualified from holding his seat as a member thereof, on the ground that he was not a qualified elector of said county at the time of his election. And that, at the time of his said election, he held the office of Supervisor of Internal Revenue, a lucrative office under the United States government.

Resolved, 2. That the seat of said N. D. Stanwood, sitting as a member from the county of Lowndes, be, and the same is hereby declared vacated.

Respectfully submitted.

E. W. SMITH, Ch'mn,
WM. M. LOWE,
J. M. CARMICHAEL,
SHELDON TOOMER.

Mr. Taylor of Lauderdale submitted a minority report from the same committee, as follows:

1st. That from the evidence before said committee, the undersigned is not fully satisfied that N. D. Stanwood, sitting member in the House from Lowndes county, has ever forfeited his citizenship in said county.

2d. That the undersigned has no doubt from the evidence that the said Stanwood, at the time of the election, on the 8th day of last November, did hold a "lucrative office" under the United States, which rendered him ineligible to a seat in this House.

The minority of your committee would, therefore, submit to this House the following resolution :

Resolved, That N. D. Stanwood, sitting member in this House from the county of Lowndes, is not entitled to that seat because of ineligibility, and that said seat is hereby declared vacant.

B. F. TAYLOR.

Mr. Strobach, from the same committee, submitted the following report :

The undersigned, from the Committee on Privileges and Elections, to which was referred the contested case of Mr. Stanwood, from Lowndes county, dissents from the majority, and asks that the majority report be not adopted, for the reason that no legal evidence whatever was introduced to the committee to substantiate the charges against Mr. Stanwood.

PAUL STROBACH.

Message from the Senate by Mr. Whiting:

Mr. Speaker :

The Senate has originated and passed the following bills :

To amend an act entitled an act to amend an act to establish a new charter for the city of Selma, approved December 4, 1868, which amending act was approved December 31, 1868 ;

For the relief of Hugh Condrey, of Barbour county, and Stephen Owen, of Coffee county ;

To regulate the *ex officio* pay of the county officers of the counties of Washington and Choctaw ;

For the relief of Fleming M. Gilmer, of Montgomery county, Ala.

Mr. Cowan, by leave, introduced a bill—

To amend section 2 of an act entitled an act for the relief of Lawson C. Coulson, late probate judge of Jackson county, and his sureties ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered to the Senate.

Mr. Moore, by leave, from the Committee on Local Legislation, reported favorably to the bill—

For the relief of Washington F. Smith, of Clay county ;

Which was read the third time forthwith and passed and ordered to the Senate.

Mr. Hewitt, by leave, introduced a bill—

To establish a charter for the town of Elyton, in Jefferson county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Oates,

The House adjourned till 4 o'clock this evening.

AFTERNOON SESSION.

December 13, 1870.

The House met pursuant to adjournment.

By leave, bills were introduced by

Mr. Taylor of Lauderdale—

To incorporate the North Alabama Conference of the Methodist Episcopal Church South ;

Mr. Lowe—

To confer on John T. Rather and Silas P. Rather, administrators of Edwarn R. Thompson, deceased, authority to compromise a suit ;

Which were read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Taylor of Lauderdale—

To amend an act entitled an act to incorporate the Florence Wesleyan University, passed February 14, 1856 ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Rice, by leave, presented a petition ;

Which was referred to a select committee of three, composed of Messrs. Boyd, Grayson of Clark and Leath.

The reports of the Committee on Privileges and Elections being in order,

Mr. Dustan moved to recommit the reports.

On motion of Mr. Hewitt,

The motion to recommit was laid on the table ;

Yeas 58, nays 10.

Those who voted yea are—

Messrs. Speaker, Ashurst, Benson, Boyd, Bradford, Bulger, Bullock, Callaway, Carmichael, Clements, Cowan, Crook, Davis, Doster, Duskin, Ellison, Gee, Gilchrist, Grayson of Clark, Grayson of Madison, Hamilton, Haralson, Harmount, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Johnson of Dallas, Kennedy, Leath, Lewis, Lindsay, Lowe, McCall, Mancill, Marlowe, Moore, Murrah, Nininger, Oates, Payne, Raisler, Rice, Semmes, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, St. Clair, Stanwood, Steele, Taylor of Lauderdale, Taylor of Winston, Toomer, Toulmin, Weatherford, and Wyman—58.

Those who voted nay are—

Messrs. Black, Clark, Curtis, Dozier, Dustan, Green, King, McCaskey, Strobach and Thompson—10.

Mr. Carmichael moved the previous question ;

Which was sustained by four-fifths of the members voting.

The question being on the adoption of the majority report,

It was first taken on that part relating to the citizenship of Mr. Stanwood.

The House refused to concur in that part of the report ;

Yeas 31, nays 33.

Those who voted yea are—

Messrs. Speaker, Ashurst, Benson, Boyd, Bulger, Bullock, Callaway, Carmichael, Clements, Cowan, Crook, Davis, Grayson of Clark, Hodo, Holmes of Sumter, Howell, Johnson of Coosa, Kennedy, Leath, Lindsay, Lowe, McDermott, Murrah, Oates, Raisler, Rice, Smith of Greene, Smith of Sumter, Steele, Toomer and Wyman—31.

Those who voted nay are—

Messrs. Black, Bradford, Clark, Curtis, Dozier, Duskin, Dustan, Ellison, Gee, Gilchrist, Grayson of Madison, Green, Hamilton, Haralson, Harmount, Hewitt, Johnson of Dallas, King, Lewis, McCall, McCaskey, Marlowe, Moore, Nininger, Payne, Semmes, Smith of Choctaw, St. Clair, Strobach, Taylor of Lauderdale, Thompson, Toulmin and Wells—33.

The House concurred in that part of the report relative to

Mr. Stanwood's holding a lucrative office, and the accompanying report, and unseated Mr. Stanwood by a vote of 59 yeas to 6 nays.

Those who voted yea are---

Messrs. Speaker, Appleton, Ashurst, Benson, Box, Boyd, Bradford, Bulger, Bullock, Callaway, Carmichal, Clements, Cochran, Cowan, Crook, Davis, Duskin, Dustan, Ellison, Gee, Gilchrist, Grayson of Clarke, Grayson of Madison, Green, Hamilton, Haralson, Harmount, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Johnson of Coosa, Johnson of Dallas, Kennedy, Leath, Lewis, Lindsay, Lowe, McCall, McDermott, Mancill, Marlowe, Moore, Murrah, Oates, Payne, Raisler, Rice, Semmes, Smith of Choctaw, Smith of Greene, Smith of Sumter, St. Clair, Steele, Taylor of Lauderdale, Toulmin, Wells, and Wyman—59.

Those who voted nay are—

Messrs. Black, Clarke, King, Nininger, Strobach and Thompson—6.

House adjourned till 11 o'clock to-morrow morning.

WEDNESDAY, December 14, 1870.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Kinzer.

Journal of yesterday was read and approved.

CALL OF THE COUNTIES.

Mr. Moore introduced a bill—

To authorize the Secretary of State to issue a patent to 10th section land, to W. J. Coleman.

Mr. Benson, a bill—

For the relief of the lessees of the University lands, their heirs and assignees ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Education.

Mr. Moore, a bill—

To amend an act to regulate the finances of Coffee county.

Mr. Mancill, a bill—

For the relief of Sarah Shepardson of Covington county.

Mr. Carmichael, a bill—

To preserve order at the China Grove Camp-ground, in Dale county.

Mr. Powell—

To remove the administration of the estate of James W. Powers, deceased, from the county of Wilcox, to the county of Butler ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Moore, by leave, offered the following resolution,

Which was adopted :

Be it resolved by the House, That the Superintendent of Public Instruction be, and is hereby requested to transmit to this body the amount of claims on file in his office of teachers who taught schools in the year 1868, up to the 13th day of July, which remain unpaid, and to state what percentage had been paid on such claims by his predecessor. Also, to state the amount of the school fund for the year 1868, and to indicate what proportion of such amount should equitably have been applied to the payment of the claims originating during the part of the year 1868, anterior to the 15th day of July, 1868, and such other information as is in his possession relative to the subject.

Mr. Johnson of Coosa, a bill—

To repeal sub-division 18, section 112, revenue laws of Alabama ;

Which were severally read the first and second times under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Carmichael, a bill—

To change the boundary line between the countiee of Coffee and Dale, so as to make Daniel M. Bruner a citizen of the county of Dale ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on counties and County Boundaries.

Mr. Marlowe, a bill—

To amend the charter of the city of Selma, approved December 4th, 1868 ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Haralson, a bill—

To amend section nine (9) of an act entitled an act to es-

tablish a new charter for the town of Selma, approved December 4th, 1868;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Cochran moved to lay the bill on the table ;

Lost

The bill was referred to the Committee on Corporations.

Mr. Benson, a bill—

To authorize the issuance of bonds by the Tallassee Manufacturing Company, Number one ;

Which was read the first time, and ordered to a second reading.

Mr. Benson, a bill—

To exempt Edwin Fay from the payment of taxes for the year 1870 ;

Which was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Crook, the bill was laid on the table.

Mr. Smith of Greene, a bill—

To make Mrs. Lizzie S. Oliver, wife of William C. Oliver of Crenshaw county, and others therein named, free-dealers ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Powell, a bill—

To amend an act entitled an act for the relief of the solicitors of the counties of Macon, Monroe and Baldwin ;

Which was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Lindsay, the county of Monroe was stricken out.

On motion of Mr. Holmes of Baldwin, the county of Baldwin was stricken out ;

The bill was referred to the Committee on Fees and Salaries.

Mr. Powell, a bill—

To punish parties for shooting into a dwelling-house, or a house of any kind, in which a human being may reside after night ;

Which was read the first and second times under a suspension of the constitutional rule.

Mr. Toomer moved to lay the bill on the table ;

Lost.

Mr. Toomer moved to refer it to the Judiciary Committee ;
Lost.

On motion of Mr. Lewis, the bill was referred to the Military Committee.

The bill "for the relief of certain tax payers therein named," which was made the special order for 12 o'clock, was taken up.

Mr. Wyman moved to make it the special order for the 19th January, 1871, at 12 o'clock m.

Mr. Bulger moved to lay the motion on the table ;
Lost.

The bill was made the special order for Wednesday, January 19th, at 12 o'clock, m.

The bill "to amend section 11 of an act to establish revenue laws for the State of Alabama ;"

Was taken up, read the third time, and passed.

The bill to repeal an act to suppress murder, lynching and assaults and batteries ;

Was taken up.

On motion of Mr. Oates, the proviso to the bill was amended so as to read, "Provided, That nothing herein contained shall affect any suits under said acts, where judgments have been rendered."

The bill was read the third time forthwith and passed.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has originated and passed a bill—

To make Mrs. Mary L. Temple, wife of Levi W. Temple, a free-dealer.

And has adopted House joint resolution relative to the extension of the session of the General Assembly, by a vote of 18 to 8.

M. P. BLUE,
Secretary of Senate.

Mr. Toulmin, from the Judiciary Committee, reported favorably, with an amendment to the bill—

To restrict the sale of personal property in certain cases.

Amend by adding the word "written" before "mortgage," and after the word "mortgage" add the words "lien or deed of trust ;"

Adopted.

Mr. Smith of Choctaw offered the following amendment ;
Which was adopted :

After the word "property," at the end of the third line, insert the words "or removes the property from the county."

Mr. Bradford moved to amend the last amendment by adding to it the words "with intent to hinder, delay or defraud the mortgage ;"

Adopted.

Mr. Hewitt offered the following amendment to the amendment :

Add the words "provided, that a removal of said property out of the county shall be *prima facie* evidence of such intent."

On motion of Mr. Strobach,

The bill and amendments were recommitted to the Judiciary Committee.

Message from the Senate by Mr. Whiting.

Mr. Speaker :

The Senate has originated and passed a bill —

To authorize the Tallassee Manufacturing Company No. 1 to issue bonds, and to secure payment thereof by mortgage or deed of trust.

M. P. BLUE,
Secretary.

Mr. Toulmin, from the Judiciary Committee, reported favorably to the bills—

To repeal an act to establish the Mobile Charitable Association for the benefit of the common school fund of Mobile county, without distinction of color ;

To authorize writs of garnishment against incorporated cities, towns and villages ;

Which were read the third time forthwith and passed.

Mr. Toulmin, from the same committee, reported a substitute for the bill—

To amend section 3733 of the Revised Code of Alabama.

The substitute was adopted with the caption amended as follows :

To prevent the willful injury to animals.

The bill was read the third time and passed

Mr. Toulmin, from the same committee, reported adversely to the following bills ;

And the report of the committee was concurred in :

To repeal sections 2 and 3 of an act entitled an act for the suppression of secret organizations of men disguising themselves for the purpose of committing crimes and outrages, approved December 26, 1868 ;

To repeal an act entitled an act to regulate the publication of legal and other notices in the State of Alabama ;

To increase the pay of witnesses and jurors in Choctaw county, Ala. ;

To compel administrators, executors and guardians to make final settlements ;

To amend section 873 of the Revised Code of Alabama ;

To amend section 1282 of the Revised Code of Alabama ;

To amend section 2326 of the Revised Code ;

For the protection of mortgages and *cestui que trusts*.

Also, adversely to the bill—

To amend section 1223 of the Revised Code of Alabama.

On motion of Mr. Smith of Choctaw,

The bill was made the special order for the 19th January, 1871.

Mr. Lewis, from the Committee on Corporations, reported favorably to the bills—

To incorporate the town of North Port, in the county of Tuscaloosa ;

To incorporate the Eagle Hook and Ladder Company No. 1, of the city of Demopolis ;

To incorporate the Eufaula Hook and Ladder Company ;

To incorporate the Lomax Fire Engine Company No. 4 of the city of Montgomery ;

To repeal section 9 of an act to reorganize the municipal government of the city of Mobile, and to provide for the election of the officers thereof ;

Which bills were read the third time forthwith and passed.

Also, adversely to the bill—

To protect the people of Alabama from imposition by insurance companies and their agents.

The report was concurred in.

Also, reported back the bill—

To prevent the sale of spirituous liquors within two and a half miles of New Lexington, in Tuscaloosa county ;

And asked its reference to the Committee on Local Legislation ;

Which was concurred in, and the bill referred.

Mr. Wyman, from the Committee on Education, reported favorably to the bill—

To legalize patents to the 16th section lands, issued between 8th of January, 1861, and 15th of July, 1868 ;

Which was read the third time forthwith and passed.

Mr. Moore, from the Committee on Local Legislation, reported favorably to the bills—

To increase the pay of grand and petit jurors of the county of Lauderdale ;

To fix the time of holding the chancery courts in the county of Tuscaloosa ;

For the relief of the poor of Dale county ;

Which were read the third time forthwith and passed.

Also, favorably to the bill—

To prevent camp hunting in Covington county.

Mr. Strobach offered to amend as follows: Strike out “from and after the passage,” and insert “one year after the passage of this act.”

On motion of Mr. Toomer,

The bill and amendment were laid on the table.

Leave of absence was granted Mr. Crook for one day.

On motion of Mr. Harmount,

The House adjourned till 4 o'clock this afternoon.

EVENING SESSION.

December 14, 1870.

The House met pursuant to adjournment.

Mr. Moore, from the Committee on Local Legislation, reported favorably to the bills—

To authorize the court of county commissioners of Colbert county to issue bonds for county purposes ;

To amend an act fixing the compensation of the treasurer of Clark county, approved February 14, 1870 ;

To authorize the county treasurer of Jackson county to pay the guards of prisoners of said county ;

To repeal section 21 of an act to establish a new charter for the town of Marion, in Perry county ;

To repeal an act to appoint counsel in certain cases ;

To repeal an act to authorize the commissioners courts of

Sumter, Perry and Greene counties to levy a special tax upon the property in said counties for the purpose of working the public roads in said counties ;

To legalize the location of the county-site of Dale county ;

To repeal an act in relation to the publication of legal notices in certain counties, so far as the counties of Dale, Shelby, Jefferson and Bibb are concerned ;

To limit the powers of the commissioners of Choctaw county, Ala. ;

To repeal an act entitled An act to prevent camp-hunting in Marion county, approved February 7, 1870 :

Which bills were read the third time forthwith and passed.

Leave of absence was granted to Mr. Oates for one day.

Mr. Moore, from the same committee, asked the recommitment of the following bills to the Judiciary Committee ;

Which was done :

To repeal an act entitled An act to amend an act entitled An act to incorporate the Sepulgah River Manufacturing Company of Conecuch county, approved December 31, 1868 ;

To authorize and empower Henry C. Copeland, a minor, of Barbour county, to settle with his guardian.

Mr. Box, from the committee on Fees and Salaries, reported favorably to the bills—

To increase the pay of grand and petit jurors in this State ;

To amend an act to increase the pay of the county commissioners of Marengo and Choctaw counties, approved October 10, 1868 ;

Which were read a third time forthwith and passed.

Also, adversely to the bill—

To repeal an act to enable certain officers to collect their fees, approved December 31, 1868 ;

The report was concurred in.

Also, favorably to the Senate joint resolution—

For the relief of Mrs. Lucinda Applegate ;

Which was read the third time forthwith.

Pending the consideration of the Senate joint resolution—

The House adjourned till 9 o'clock Thursday morning.

THURSDAY, December 15, 1870.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Murrah.

On motion of Mr. Bradford, the reading of the Journal was postponed.

Mr. Thompson, by leave, offered the following resolution :

Resolved, That the use of the Hall of the House be permitted to the convention of the National Labor Union during the session commencing on the 2d of January, proximo.

On motion of Mr. Strobach, the Senate bill—

To authorize the Tallassee Manufacturing Company No. 1 to issue bonds, and to secure the payment thereof by mortgage or deed of trust ;

Was taken up, read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered to the Senate.

Mr. Carmichael, by leave, offered the following resolutions ;
Which were adopted :

WHEREAS, Robert C. Clark, the Door-keeper of the House of Representatives, has been required by a resolution adopted by the House, to discharge the duties of Sergeant-at-Arms of the House of Representatives ; and whereas, the said Door-keeper has been compelled by the force of circumstances to discharge said duties, principally in the night time ; Therefore,

Resolved, 1. That the Speaker and Clerk of the House of Representatives be, and they are hereby authorized and required, to certify an account for the said R. C. Clark for as much as his services are justly and equitably worth.

Resolved, 2. That when said account shall be so certified and presented to the Auditor, he shall be authorized and required to draw his warrant on the State Treasurer in favor of the said R. C. Clark, for the amount so certified.

Leave of absence was granted Mr. Holmes of Sumter for one day.

Mr. Toulmin offered a joint resolution—

To authorize the printing of 500 copies of the State Constitution ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Dustan moved to amend by striking out "500" and inserting "2000."

Mr. Harmount moved to amend by adding, "200 copies of the Acts of 1868."

On motion of Mr. McCall—

The joint resolution and amendments were laid on the table.

CALL OF THE COUNTIES.

Mr. Bradford introduced a bill—

To define and punish the crime of malversation in the office of circuit judge.

Also—

To define and punish embezzlement by sheriffs.

Also—

To punish wilful trespasses on land.

Mr. Duskin---

To amend section 3555 of the Revised Code.

Mr. Hewitt—

To enable any qualified elector to contest the election of certain officers therein named.

Mr. Gilchrist—

To amend section 2964, chapter 1, article 4, title 2, part 3, of the Revised Code.

Also—

To amend section 2660, chapter 9, article 5, title 1, part 3, of the Revised Code.

Mr. Lowe—

To regulate the taking of testimony in courts of chancery.

Mr. Hamilton---

To incorporate Melbourne Mills.

Mr. Lindsay—

To authorize sheriffs to execute all process issued by justices and notaries public, when there is no regularly qualified constable in their respective beats.

Mr. Cochran—

To repeal an act entitled An act to enable certain officers to collect their fees.

Mr. Steele—

To repeal sections 1858, 1859 and 1860, part 2, title 2, chapter 3, of the Revised Code.

Mr. Williams—

For the protection of the traveling public from indecencies and annoyances ;

Which bills were read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Cowan, a bill—

To repeal subdivisions 18 and 19 of an act entitled An act to establish revenue laws for the State of Alabama.

Also—

To repeal subdivision 7 of section 112 of an act entitled An act to establish revenue laws for the State of Alabama.

Mr. Hamilton—

To amend subdivision 112 of the revenue laws.

Mr. Mancill—

To repeal sections 97, 98, 99, 100 and 101 of the revenue laws of Alabama ;

Which were severally read the first and second times under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Strobach, a bill—

For the relief of Johns & Naftel ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Hurt, a bill—

To secure prompt payment for stock killed or injured by railroads in this State ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

Mr. Toomer, a bill—

For the relief of C. W. Yancey, of Lee county.

Also—

For the relief of V. A. Saunders, of Lee county.

Mr. Lindsay—

To make Sibba Harder a free dealer.

Mr. Harmount—

To make Elizabeth Hill a free dealer.

Mr. Black—

For the relief of Fannie J. Porter, of Geneva county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Toulmin, a bill—

To relieve the Mobile Exchange and Geneva Insurance Company from the forfeiture of its charter ;

Which was read the first and second times under a suspension of the constitutional rule, and referred to the Committee on Corporations.

On motion of Mr. Lindsay, the bill---

For the relief of Theophilus Clausel, was taken from the table, and referred to the Judiciary Committee.

Mr. Graham presented certain claims against the State ;

Which were referred to the Committee on Accounts and Claims.

Mr. Hodo, a bill---

To facilitate the collection of the educational fund in this State ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Education.

Mr. Perrin, a bill---

To create liens on growing crops, in favor of merchants making advancements ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Agriculture and Commerce.

On motion of Mr. Marlowe, the call of the counties was suspended, to take up Senate bills.

The Senate, a bill---

To amend an act entitled an act to amend an act to establish a new charter for the city of Selma, approved, December 4th, 1868 ;

Which was read the first time, and the further consideration of it postponed till the 19th of January, 1871.

The Senate bills---

To fix the time of holding courts in the 4th judicial circuit ;

To repeal an act entitled an act to allow the officers of Barbour county to charge and receive 50 per cent. on their fees allowed by law in the Code of Alabama ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

The Senate bills---

For the relief of Lucius L. Buckalew of Chambers county ;

To relieve R. L. B. Owen of Lee county, of the disabilities of minority ;

For the relief of Mrs. Dalton R. Seals of Lee county ;

To constitute Eliza E. West of Perry county, and Elizabeth Miller of Coffee county, free-dealers ;

For the relief of Fleming M. Gilmer of Montgomery county, Alabama ;

For the relief of Hugh Condrey of Barbour county, and Stephen Owen of Coffee county ;

To make Mrs. Mary L. Temple, wife of Levi U. Temple, a free-dealer ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

The Senate bill---

To vest certain lands therein named in the heirs and widow of the estate of Isaac L. Ward, deceased, late of Cherokee county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The Senate bill---

To authorize the court of county commissioners of Walker county to levy a special tax for the purpose of liquidating all the county indebtedness which has accrued since the war, and is unpaid until the 1st day of September, 1871 ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on Ways and Means.

The Senate bills—

To amend an act entitled an act to incorporate the town of Mumford, in the county of Talladega ;

To repeal an act entitled an act to incorporate the Fort Browder Male Academy in Barbour county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

The Senate bill—

To regulate the *ex-officio* pay of the county officers, of the counties of Washington and Choctaw ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Fees and Salaries.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has passed the following House bills :

In relation to the Annual Alabama Conference of the Methodist Episcopal Church South ;

To incorporate the Eagle Hook and Ladder Company No. 1, of the city of Demopolis, Alabama ;

To amend section two of an act entitled an act for the relief of Lawson C. Coulson, late probate judge of Jackson county, and his sureties.

The Senate—

Joint resolution for the relief of Mrs. Lucinda Applegate,
Was taken up.

Mr. Harmount moved the previous question ;

Which was lost.

Mr. Bulger moved to lay the joint resolution on the table ;
Lost.

M. P. BLUE,
Secretary of Senate.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has amended and passed the House bill—

To make appropriations for the fiscal year ending September 30th, 1871.

And has passed the House bills—

For the relief of Washington F. Smith of Clay county ;

To repeal and amend an act entitled an act to amend and repeal sub-division ten, of section seven hundred and fifty (750) of the Revised Code ;

To prohibit the sale of spirituous or vinous liquors within three (3) miles of Hillabee Camp-ground, in Tallapoosa county ;

To authorize the court of county commissioners of Colbert county, to issue bonds for county purposes.

M. P. BLUE,
Secretary of Senate.

Mr. Harmount moved to re-commit the Senate joint resolution to the Committee on Fees and Salaries.

Mr. Dustan moved to lay the motion on the table ;

Adopted.

On motion of Mr. Lewis, the call for the previous question as sustained.

^w The joint resolution was adopted ;

Yeas 52, nays 16.

Those who voted yea are—

Messrs. Speaker, Alley, Appleton, Black, Box, Boyd, Carlin, Clarke, Cochran, Craig, Curtis, Diggs, Doster, Dozier, Drake, Duskin, Dustan, Ellison, Gaskin, Gee, Gilchrist, Graham, Green, Gunn, Hamilton, Haralson, Harmount, Hewitt, Hitchcock, Hodo, Johnson of Dallas, King, Lewis, McCall, McCaskey, Marlowe, Murrah, Nininger, Payne, Perrin, Powell, Smith of Greene, Smith of Sumter, Speake, St. Clair, Steele, Strobach, Taylor of Winston, Thompson, Toomer, Weatherford and Williams---52.

Those who voted nay are—

Messrs. Benson, Bulger, Callaway, Carmichael, Cowan, Grayson of Clark, Holmes of Baldwin, Howell, Hurt, Lindsay, Lowe, Mancill, Moore, Smith of Choctaw, Taylor of Lauderdale and Toulmin---16.

Mr. Strobach moved to reconsider the vote adopting the joint resolution ;

Mr. Dustan moved to lay the motion on the table ;

Sustained.

The bill—

To make appropriations for the fiscal year ending September 30th. 1871,

Was taken up—

And the Senate amendment, which made the appropriation to the Secretary of the Senate, and clerk of the House “one hundred and fifty dollars” instead of “fifty,” for filing papers, &c., with the Secretary of State ;

Was concurred in.

The House adjourned until 18th of January, 1871, at 12 o'clock, m.

WEDNESDAY, January 18, 1871.

House met pursuant to adjournment.

Prayer by Rev. Mr. Smith of Greene.

Upon a call of the roll of the House, seventy-two members answered to their names.

Leave of absence was granted Mr. Williams for two days.

The Journal of the 14th and 15th of December, 1870, was read and approved.

Mr. Bradford, by leave, offered the following resolutions :

Whereas, it is alleged that William H. Smith, while he was

Governor of Alabama, issued bonds of the State of Alabama to the amount of two million dollars for the benefit of the Alabama and Chattanooga Railroad Company, and that said issue of bonds has been made without compliance on the part of said railroad company, with the provisions of the act entitled "An act to loan the credit of the State of Alabama to the Alabama and Chattanooga Railroad Company, for the purpose of expediting the construction of the railroad of said company within the State of Alabama," approved February 11, 1870 ;

And whereas, it is further alleged that with the connivance and consent of said William H. Smith, while he was Governor of Alabama, the proceeds of said bonds have not been expended in the construction and equitment of said road within this State as is required by said act ;

And whereas, it is further alleged, that said bonds were issued by said Smith with the intent to assist said railroad company contrary to the said law ;

And whereas, it is further alleged, that said William H. Smith, while he was Governor, and after he had ceased to be such, issued and endorsed other bonds to railroad companies in this State, or for the benefit of such companies contrary to law ;

And whereas, such allegations publicly made and widely disseminated, are calculated to impair the credit of the State, and to damage the railroad companies that are entitled to certain loans and issues of bonds and endorsements of bonds by this State, and are further calculated to injure the holders of such bonds ;

And whereas, it is alleged that the said Alabama & Chattanooga Railroad Company have failed and refused to pay the interest now due on their own bonds, endorsed by the State of Alabama, and on the bonds of the State, issued by the said Wm. H. Smith, as aforesaid, and are now endeavoring to force the State, contrary to the spirit and letter of said Act, and in violation of the condition upon which said bonds were issued, and in fraud of the rights of the people of Alabama, to pay said interest : It is therefore,

Resolved by the House of Representatives of the General Assembly of the State of Alabama, That a Committee, consisting of not less than three, nor more than seven members of this House, be appointed by the Speaker, to act on the part of this House, with or without a like Committee on the part

of the Senate, whose duty it is to enquire into the facts touching the issue and endorsement of any such bonds, and also, into the intent and purpose of said William H. Smith, and of the said Alabama and Chattanooga Railroad Company, in the issue of said bonds, or in the endorsement and negotiation of such bonds; and to further enquire into the condition and assets of the Alabama and Chattanooga Railroad Company, and into the extent of the liability of the State of Alabama, on account of railroad bonds of every description which have been issued or endorsed by the State, and ascertain as far as may be, who are now the holders of said bonds, and on what consideration they have been acquired.

Resolved, 2d. That for the purposes of such investigation, said Committee shall have access to the books and papers of any of the departments of the Executive offices of the State Government. And the Governor of Alabama is requested to furnish said Committee with the record books, and correspondence and other papers on file in the Executive office, that the same may be examined and used as evidence before said Committee or the House of Representatives or the General Assembly.

Resolved, 3d. That said Committee has power and authority to summon before it any persons required to give evidence, and to cause to be brought before it any papers or books it may deem necessary to a full and complete investigation of said matters. And said Committee is required to report to this House the testimony taken on such investigation.

Resolved, 4th. That said Committee may appoint a clerk and a sergeant-at-arms, to assist in said investigation.

Resolved, 5th. That said Committee has leave to report by bill or resolution, for the action of this House, or of the General Assembly.

Mr. Strobach moved to amend, by making the resolutions joint resolutions, and authorizing the appointment of a joint committee of four from the House, and three from the Senate.

On motion of Mr. Harmount, the amendment was laid on the table.

Mr. Harmount offered the following as a substitute for the preamble :

WHEREAS, Various rumors and reports are in circulation, even beyond the limits of the State, to the effect, that a large amount of the bonds of the State, to aid in the construction of railroads, and for other purposes, have been issued contrary

to law ; and whereas, said railroad companies, to whom such bonds have been issued, have failed to pay the semi-annual installments of interest thereon, thus casting upon the State, a liability most onerous in its character, involving the credit and financial standing of the State in the money marts of the world, in which her people are all vitally interested ; and whereas, it is due to Ex-Governor Smith, as well as the State, that a thorough investigation be had, and the truth of such reports confirmed, or their falsity exposed.

Mr. Dustan moved to strike out the preamble ;

Lost.

On motion of Mr. Ellison, the substitute was laid on the table.

Mr. Bullock moved to postpone the further consideration of the resolutions till Monday next, 12 o'clock ;

Lost.

Mr. Strobach moved to postpone till the Governor's message was received ;

Lost.

On motion of Mr. McCall, the call for the previous question was sustained.

The resolutions were adopted ;

Yeas 61, nays 10.

Those who voted yea are—

Messrs. Speaker, Ashurst, Benson, Black, Bradford, Bulger, Bullock, Callaway, Carlin, Carmichael, Clarke, Clements, Cochran, Cowan, Craig, Crook, Curtis, Doster, Dustan, Ellison, Etheridge, Gee, Gilchrist, Graham, Grayson of Clark, Grayson of Madison, Haralson, Harmount, Hodo, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, McCall, McDermott, Marlowe, Miller, Moore, Mooring, Ninger, Oates, Payne, Powell, Rice, Semmes, Simms, Smith of Choctaw, Smith of Greene, Speake, St. Clair, Steele, Strauss, Taylor of Winston, Toomer, Toulmin, Ware, Wells and White---61.

Those who voted nay are—

Messrs. Appleton, Diggs, Dozier, Drake, Green, Hewitt, Johnson of Dallas. Speed, Strobach and Thompson—10.

Mr. Strobach offered the following resolution ;

Which was adopted :

Resolved, That a joint committee of five, three from the House and two from the Senate, be appointed to wait upon His Excellency the Governor, and inform him that the Gen-

eral Assembly is ready to receive his official communication.
 On motion of Mr. Harmount —
 The House adjourned till 11 o'clock to-morrow morning.

THURSDAY, January 19, 1871.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Gunn.

Journal of yesterday was read and approved.

By leave, Messrs. Boyd, Mancill and Alley recorded their votes in favor of the resolutions adopted by the House on yesterday, instituting inquiry into alleged frauds in the issuance of certain railroad bonds, &c.

Mr. Bulger, by leave, introduced a bill—

For the relief of delinquent tax payers ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and ordered forthwith to the Senate.

Mr. Smith, of Greene, moved to reconsider the vote by which the House on yesterday adopted the resolutions instituting inquiries into the manner of issuance of certain railroad bonds, &c.

On motion of Mr. Boyd, the motion to reconsider was laid on the table.

CALL OF THE COUNTIES.

Bills were introduced by—

Mr. Doster---

To permanently locate the county seat of Baker county.

Mr. Black—

For the relief of James Clark and Charles H. Laney of Barbour county.

Mr. McCall—

To empower Lucy Dinkins, executrix of Edwin Dinkins, late of Pike county, to sell certain lands ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Doster—

To amend section 3706 of the Revised Code of Alabama ;

Also—

For the relief of James H. Booth, as administrator of the estate of Benjamin F. Boon.

Mr. McCall—

To fix the time when agricultural products sold, bartered or exchanged must be delivered or received.

Mr. Oates—

To regulate the sale of certain products of the farm and prevent the commission of petit larceny in certain cases ;

Which were read the first and second times under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. McCall offered the following resolution ;

Which was adopted :

Resolved, That the Committee on Agriculture and Commerce, be instructed to inquire if it is practicable and expedient to provide by legislative enactment for increasing the cultivation of provision crops in this State, and report by bill or otherwise.

Mr. Powell introduced a bill—

To make Missouri Kingsberry and Mary M. Howell, free-dealers ;

Which was read the first and second times forthwith.

Mr. Toomer moved to amend, by adding the following names :

Elizabeth A. Cordon, and Mary A. Phelps, of Lee county ; Mrs. M. A. Owens, wife of Phillip Owens, of Butler county ; Elsanor M. Bross, wife of F. C. Bross, of Coosa county ; Mrs. Eugenia Skinner, wife of George G. Skinner, of Washington county ; Mrs. Mary S. McCaulloss, of Cleburne county ; Mrs. A. B. Henry, of Lee county ; Mrs. Sarah Frohlichstein, wife of H. Frohlickstein, of Mobile county ; Mrs. Edward Simmons, of Lawrence county ; Elizabeth F. Barrow, Martha F. Judge, of Escambia county ; Grace Ann Gunn, of Conecuh county ; Elizabeth K. Walurop, wife of D. G. Waldrop, of Randolph county ; Mrs. Sherwood, of Elmore county ; Mrs. Eliza Campbell, wife of Walter D. Campbell, Harriet W. Bailey, wife of Warren Bailey, Jane L. Curry, wife of John Curry, of Choctaw county ; Mrs. S. Oppenheimer, wife of S. Oppenheimer, of Montgomery county ; Mrs. Sarah C. McCarmick, wife of L. J. McCarmick, of Marengo county ; and Mrs. A. B. Herver, of Lee county.

Mr. Taylor of Lauderdale moved to amend by making all the strong minded women in the State free-dealers.

Mr. Marlowe moved to amend by making every woman in the State, from and after the passage of the act, a free-dealer.

Mr. Powell moved the previous question ;

Lost.

Mr. Oates moved to amend by making every married woman in the State a free-dealer.

Mr. Boyd moved to lay the amendment of Mr. Oates on the table ;

Lost.

On motion of Mr. Dustan.

The further consideration of the bill was postponed till the first day of February.

The hour of 12 o'clock having arrived,

On motion of Mr. Strobach,

The general orders of the day were postponed to continue the call of the counties.

Bills were introduced by

Mr. Crook—

To amend subdivision 10 of section 112 of an act to establish revenue laws for the State of Alabama, approved December 31, 1868 ;

Which was read the first and second times and referred to the Committee on Ways and Means.

By Mr. Leath (with transcript)—

For the relief of the sureties of Lafayette M. Stiff, late receiver of public moneys at the land office at Centre, Ala. ;

By Mr. Carmichael—

To prescribe the manner of conferring the rights, powers, privileges and immunities of a *femme sole* upon married women ;

By Mr. Duskin—

To regulate sheriff sales in Hale county ;

By Mr. Oates—

To relieve minors of the disabilities of non-age in certain cases ;

Also,

For the protection of employers of agricultural laborers ;

Which were severally read the first and second times forthwith and referred to the Judiciary Committee.

By Mr. Howell (with a petition)—

To empower Silas M. Putnam, of Cleburne county, to make titles to land to William M. Waits, of said county ;

By Mr. Marlowe—

To regulate the trial of criminal cases in the circuit court of Dallas county ;

By Mr. Appleton—

To authorize M. C. Newman, of DeKalb county, to erect a dam across Van Buren creek, in said county, for certain purposes specified ;

Which were severally read the first and second times forthwith and referred to the Committee on Local Legislation.

By Mr. Johnson of Coosa—

To amend section 2838 of the Revised Code ;

Which was read the first and second times forthwith.

Mr. Oates moved to amend the proviso contained in the bill by making it read : “ Provided, that if the plaintiff in such judgment desires,” &c.

The amendment was adopted,

And the bill referred to the Judiciary Committee.

By Mr. Moore—

To relieve the trustees of free public schools from road working and serving on juries ;

Which was read the first and second times forthwith and referred to the Committee on Public Roads and Highways.

Also,

To change the boundary line between Coffee and Crenshaw counties ;

Which was read the first and second times forthwith and referred to the Committee on Counties and County Boundaries.

By Mr. Callaway—

To incorporate the town of Rutledge ;

By Mr. Appleton—

To prohibit the sale of spirituous or vinous liquors within one and one-fourth of a mile of the town of Porterville, DeKalb county, Ala. ;

By Mr. Duskin—

To amend an act to incorporate the Protestant Episcopal Church in the Diocese of Alabama, and to enable said church to provide for the orphans and widows of soldiers and other destitute persons ;

Which were severally read the first and second times forthwith and referred to Corporations.

By Mr. Carmichael—

To amend and repeal section 1 of an act to fix the time of

holding the circuit court in the eighth judicial circuit, approved February 3, 1870 ;

Which was read the first and second times forthwith.

Mr. Moore moved to amend by allowing two weeks' time for holding court in Coffee.

Mr. McCall moved to amend by striking out "two" and inserting "three" weeks for Bullock county ;

Adopted.

The bill, as amended, and the amendment of Mr. Moore, were referred, on motion of Mr. Moore, to the members of the House from the 8th judicial circuit.

By Mr. Carmichael—

To amend section 675 of the Revised Code ;

Which was read the first and second times forthwith and referred to the Committee on Fees and Salaries.

Mr. Speaker appointed Messrs. Strobach, Maucill and Leath the committee to wait upon the Governor.

By Mr. Cochran (with a petition)—

To restrain, regulate or prohibit the business or practice of drumming in the city of Selma ;

Which was read the first time.

On motion of Mr. Johnson of Dallas,

It was laid on the table.

On motion of Mr. Cochran,

The vote laying the bill on the table was reconsidered.

The bill was read the second time forthwith and referred to the Military Committee.

Message from the Senate by Mr. Whiting:

Mr. Speaker :

The Senate has adopted the House joint resolution to wait on the Governor, and has appointed Messrs. Barr and Worthy on the part of the Senate.

M. P. BLUE,
Secretary of Senate.

Mr. Bullock introduced a bill—

To grant additional power to the Selma, Marion & Memphis Railroad Company ;

Which was read the first and second times forthwith and referred to the Committee on Internal Improvements.

Mr. Strobach, from the joint Committee to wait on the

Governor, reported that the Committee had discharged the duty, and that his Excellency informed the Committee, that he would send his message to the General Assembly in a day or two.

Mr. Bullock offered the following resolution ;

Which was adopted :

Be it resolved, That the Military Committee be directed to inquire what changes, if any, are necessary to be made in the military laws of this State, and report by bill or otherwise.

Mr. Oates introduced a bill—

To relieve Wm. M. Cooper and Jane F. Arnold of the disabilities of non-age ;

Also---

To repeal section 13 of an act for the government of the bureau of Industrial Resources, approved August 12th, 1868 ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Also---

To amend section 16 of an act for the government of the bureau of Industrial Resources, approved August 12th, 1868 ;

Which was read the first and second time, forthwith.

On motion of Mr. Strobach, it was laid on the table.

Mr. Speaker announced the following members as composing a Standing Committee on Revision of the Laws : Messrs. Bradford, Boyd, Semmes, Toomer, McCall, Carmichael, Hodo, Hewitt and Smith of Sumter.

On motion of Mr. Haralson—

The House adjourned till to-morrow morning 10 o'clock.

FRIDAY, January 20, 1871.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Appleton.

Journal of yesterday was read and approved.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

I am instructed by the Senate, to return to the House, the House resolution, as herewith transmitted, believing that it

came into the Senate through a mistake, it not being a joint resolution.

Respectfully,

M. P. BLUE,
Secretary.

Mr. Strobach, by leave, offered the following resolution :

Resolved, That the House resolution, adopted on the 18th instant, concerning the Alabama and Chattanooga Railroad, be, and is hereby rescinded for the purpose of making it a joint resolution.

On motion of Mr. Lewis, the resolution was laid on the table.

Mr. Speaker, by leave, offered the following resolution :

Resolved, That the House of Representatives, from and after to-day, shall meet at 10 o'clock and adjourn at half-past two o'clock.

Mr. Harmount moved to amend by making the hour of adjournment 2 o'clock ;

The motion prevailed.

Mr. Smith of Choctaw, moved to amend, by striking out "ten" and inserting "eleven."

On motion of Mr. Strobach, the resolution and amendment were laid on the table.

Mr. Lewis, by leave, offered the following resolution :

Resolved by the House of Representatives of the General Assembly of Alabama, That no affront to the other branch of the General Assembly was intended by the resolutions lately adopted by the House in reference to the investigation of the liability of the State on railroad bonds.

Mr. Rice moved to postpone the further consideration of the resolution till the 10th of February ;

Lost.

On motion of Mr. Ellison, the resolution was laid on the table.

CALL OF THE COUNTIES.

Bills were introduced by

Mr. Oates—

To amend section 689 of the Revised Code of Alabama ;

Also—

To amend subdivision 3 of section 1985 of the Revised Code ;

Also---

To amend section 1389 of the Revised Code of Alabama ;
Also---

To amend sections 3514, 3515, 3517, 3518 of the Revised Code ;

Mr. Hurt—

To repeal an act to authorize the appointment of a guardian *ad litem* for each county ;

Also---

To repeal ordinance No. 36, adopted by the late constitutional convention of Alabama ;

Also—

To prevent intermeddling with contracts of laborers ;

Also—

To authorize executors, administrators and guardians to make compromises ;

Mr. Toomer—

To extend the remedy for forcible entry and detainer, and unlawful detainer ;

Mr. Raisler—

To repeal sections 1858, 1859, 1860, of the Revised Code ;

Mr. Dustan—

For the relief of Richard H. Clark, as administrator of the estate of Wm. A. Christian, deceased, in the county of Marengo ;

Also---

To regulate the practice in courts of chancery in the State of Alabama ;

Mr. Boyd, (with petition)—

To restrain and prohibit the collection of certain taxes in the county of Marshall ;

Mr. Toulmin—

To repeal section 1831 of the Revised Code of Alabama ;

Also---

To establish public holidays ;

Which were severally read the first and second times, forthwith, and referred to the Judiciary Committee.

Mr. Powell, from the Committee on Enrolled Bills, reported the following, as having been correctly enrolled :

To amend section (11) eleven of an act to incorporate the town of Columbia, Henry county, Alabama, approved January 28th, 1870 ;

To repeal an act to regulate the appointment of overseers and supervisors of public roads in the county of Henry ;

To amend section 2 (two) of an act to incorporate the Alabama Fire Engine No. 2, approved Feb. 12th, 1856 ;

To authorize Theodore L. Guerry and William Harrison, citizens of the State of Georgia, to qualify in Alabama, as executors of the will of James Harrison, deceased.

Bills were introduced by—

Mr. Oates—

To amend section 112 of an act to establish revenue laws for the State of Alabama, so far as to exempt all newspapers from a license tax ;

Also, (with petition)---

For the relief of John C. McRae, John McNab, William H. Chambers and A. Stow of the county of Barbour, from unjust taxation ;

Also—

To repeal subdivisions 17, 18 and 19 of section 112 of an act to establish revenue laws for the State, approved December 31, 1868.

Mr. Hurt—

For the relief of H. H. Hopkins, of Jackson county,

Also---

To regulate appropriations made by commissioners' courts,

Mr. Toomer—

To repeal the 2d subdivison of section 77 of the Revised Code.

Mr. Lowe—

To amend subdivisions 13 and 21 of section 112 of the revenue laws.

Mr. Semmes—

To regulate the collection of taxes in Washington county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the committee on Ways and Means.

Mr. Oates---

To require the owners of dogs to pay tax thereon, for educational purposes ;

Which was read the first and second times forthwith.

On motion of Mr. Speed---

The further consideration of the bill was indefinitely postponed.

Mr. Hurt---

To compel county officers to reside at their respective county sites ;

Which was read the first and second times forthwith.

On motion of Mr. Leath---

The bill was amended by striking out "one mile," where the words occur in the bill, and inserting "two miles."

The hour of 12 o'clock having arrived---

On motion of Mr. Strobach, the special orders were suspended to continue the call of the counties.

Bills were introduced by

Mr. Hewitt---

To legalize the marriage of James M. Bankston and Elizabeth Hardy, of the county of Jefferson.

Mr. Taylor of Lauderdale---

To amend section 1323 of the Revised Code ;

Also---

To prohibit attorneys, in certain cases, from practising their profession in probate and chancery courts.

Also---

To repeal an act to increase the compensation of executors, administrators, guardians, and county commissioners, in Lauderdale county, approved February 19, 1867.

Mr. Raisler---

To repeal an act to amend section 1099 of the Code of Alabama, so far as the same relates to Limestone county.

Mr. Lowe---

To amend section 3315 of the Revised Code.

Mr. Dustan---

To amend an act in relation to chancery courts.

Mr. Toulmin---

To amend subdivision 2 of section 2293 of the Revised Code ;

Which were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Revision of the Laws.

Message from the Governor :

STATE OF ALABAMA,
EXECUTIVE DEPARTMENT,
Montgomery, Jan. 13, 1871. }

Mr. Speaker :

I am directed by the Governor to inform you that he has approved the following acts originating in the House of Representatives :

An act to amend section 1 of an act entitled An act to incorporate the town of Midway, in Bullock county;

To amend section 2 of an act entitled An act for the relief of Lawson C. Coulson, late probate judge of Jackson county, and his sureties;

To prohibit the sale of spirituous or vinous liquors within three miles of Hillabee Camp-ground, in Tallapoosa county;

To authorize the county commissioners of Colbert county to issue bonds for county purposes;

To make appropriations for the year ending September 30, 1871;

For the relief of Washington F. Smith, of Clay county;

To incorporate the Eagle Hook and Ladder Company No. 1 of the city of Demopolis;

To repeal and amend an act to amend and repeal subdivision 10 of section 750 of the Revised Code.

Respectfully,

JOHN H. GINDRAT,

Private Secretary.

Bills were introduced by—

Mr. Speake—

For the relief of D. L. Dinsmore, of Lawrence county;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on Fees and Salaries.

Also—

To provide compensation for county treasurers;

Which was read the first and third times forthwith.

On motion of Mr. Strobach—

The bill was laid on the table.

Also, with petition—

For the relief of the heirs of Joseph H. Stanley.

By Mr. Toomer—

For the relief of Excel Tucker, of Lee county.

Also—

For the relief of William P. Jones, of Lee county, and John McLelland, of Chambers county.

By Mr. Raisler—

To regulate the time of holding the chancery court for the 4th district of the northern division.

By Mr. Dustan—

For the relief of Caroline Packard.

By Mr. Toulmin, with a petition—

To allow the collection of toll, and for other purposes, to John J. Delchamps, of Mobile county ;

Which were severally read the first and second times forthwith, and referred to the Committee on Local Legislation.

Message from the Senate, by Mr. Whiting :

Mr. Speaker :

The Senate has originated and passed a bill—

To authorize certain proceedings in relation to John Smith, deceased, within and near the city of Opelika.

M. P. BLUE,
Secretary.

Bills were introduced—

By Mr. Toomer—

To provide for procuring the rights of way of railroad companies in this State.

By Mr. Toulmin—

To provide the mode of taking private property for railroad or other purposes, or for public use ;

Which were severally read the first and second times forthwith, and referred to the Committee on Internal Improvements.

By Mr. Toomer—

To require electors in this State to vote in the precinct in which they may reside ;

Which was read the first and second times forthwith.

Mr. Hewitt moved to amend by adding the following :

Provided, This act shall not apply to Jefferson, Montgomery, DeKalb, Winston, Marengo, Autauga, Bullock, Perry, Barbour, Cherokee, Franklin and Cleburne.

Mr. Harmount moved to lay the bill and amendment on the table ;

Lost.

On motion of Mr. Bradford, the amendment was laid on the table ;

Yeas 51, nays 29.

Those who voted yea are---

Messrs. Speaker, Ashurst, Benson, Boyd, Bradford, Bulger, Bullock, Callaway, Carmichal, Clements, Cochran, Cowan, Crook, Davis, Grayson of Clarke, Grayson of Madison, Gunn, Henry, Hewitt, Hitchcock, Hodo, Holmes of Bald-

win, Holmes of Sumter, Howell, Hurt, Kennedy, Lewis, Lindsay, Lowe, Mancill, Miller, Moore, Mooring, Powell, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toomer, Toulmin, Ware, Weatherford, White and Wyman—51.

Those who voted nay are—

Messrs. Appleton, Black, Carlin, Clark, Craig, Curtis, Diggs, Doster, Dozier, Drake, Dustan, Gilchrist, Graham, Haralson, Harmount, Johnson of Dallas, Leath, McCall, Marlowe, Nininger, Perrin, Speed, St. Clair, Strobach, Taylor of Winston, Thompson and Wells—29.

Mr. Thompson moved to amend by making the bill applicable to Lee county.

On motion of Mr. Bulger, the amendment was laid on the table.

Mr. Wyman offered the following amendment ;

Which was adopted :

Amend by striking out the words “at every election,” and inserting the words, “at every election held in this State for electors of president and Vice President of the United States, for members of Congress, or for State or county officers.”

Mr. Semmes moved to amend by adding the following section :

“Section 2. Be it further enacted, That any elector who votes in any election beyond the precinct in which he resides shall be guilty of a misdemeanor, and on conviction shall be fined, not less than one hundred, nor more than five hundred dollars, and may be imprisoned in the county jail for not more than one year.”

On motion of Mr. Speed, the amendment was laid on the table.

Mr. Harmount offered the following amendment :

“Provided, the beat lines in the several counties shall be established, and plainly marked at the expense of the State, before this act shall be enforced.”

On motion of Mr. Semmes, the amendment was laid on the table.

Mr. Haralson moved the indefinite postponement of the bill ;

Lost.

The bill, as amended, was referred to the Committee on Revision of the Laws.

Mr. Speaker announced Messrs. Bradford, Lewis, Oates, Boyd, Steele and Strauss, as the committee to inquire into the alleged frauds in the issuance of certain railroad bonds, under the resolutions adopted by the House on the 18th instant.

Mr. Toomer—

Joint resolution for the relief of J. & B. Trimble of Montgomery county.

Mr. Strobach—

For the relief of Messrs. Schmidt & O'Brien ;

Which were severally read the first and second times forthwith, and referred to the Committee on Accounts and Claims.

On motion of Mr. Bulger, the call of the counties was suspended, to take up the Senate bill—

To authorize certain proceedings in relation to the real estate of John Smith, deceased, within and near the city of Opelika ;

Which was read the first and second times under a suspension of the constitutional rule, and passed, and ordered to the Senate

Mr. Raisler, a bill—

To establish a new charter for the town of Athens, in the county of Limestone.

Mr. Strauss—

To confer certain powers upon the Mayor, Aldermen and Common Council of the city of Mobile ;

Which was read the first and second times forthwith, and referred to the Committee on Corporations.

Mr. Dustan—

For the benefit of the public schools of Marengo county ;

Which was read the first and second times forthwith.

On motion of Mr. Hewitt, the provisions of the bill were made applicable to the county of Jefferson, and the following section was added to the bill :

“Section 12. Be it further enacted, That the county treasurer shall be entitled to one-half of one per cent. upon the receipts and disbursements of said tax as provided for in the foregoing sections of this act.”

The bill, as amended, was referred to the Committee on Education.

Mr. Strobach offered the following joint resolution ;

Which was adopted ;

Be it resolved by the General Assembly of Alabama, That the Secretary of State be, and is hereby authorized to sell

Smith's Alabama Reports at the price of six dollars per volume, and shall deliver the money so received into the State Treasury.

On motion of Mr. Haralson, the House adjourned till tomorrow morning 10 o'clock.

SATURDAY, January 21, 1871.

The House met pursuant to adjournment.

The Speaker being absent, Mr. Lewis called the House to order.

On motion of Mr. Toomer, Mr. Oates was elected by acclamation temporary Speaker of the House, and was conducted to the chair by Messrs. Toomer and Henry.

Prayer by Rev. Dr. Murrah.

Mr. Smith of Choctaw, by leave, offered the following resolution ;

Which was adopted :

WHEREAS, The House of Representatives of the General Assembly of Alabama, has been informed of the death of Ex-Chief-Justice Wm. P. Chilton, sr., who departed this life on the night of the 20th instant—

AND WHEREAS, The said Wm. P. Chilton has been for many years identified with the history of Alabama, contributing by his great wisdom, professional learning and spotless integrity, to the honor and welfare of the State ; therefore—

Be it resolved, That the House of Representatives of the General Assembly of Alabama, in respect to the memory of the deceased, adjourn till 10 o'clock on Monday morning next, and that this House, as a body, attend the funeral of the deceased.

The House adjourned till 10 o'clock Monday morning.

MONDAY, January 23, 1871.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Petrie.

Mr. W. W. Bassett enrolled his name as representative from Washington county, was duly qualified, and took his seat within the bar of the House.

Journal of Saturday read and approved.

Mr. Marlowe, by leave, offered the following joint resolutions :

WHEREAS, The credit of the State is supposed to be in jeopardy, on account of its endorsement of bonds of certain railroad companies, and bonds issued in special aid of particular railroads :

1. *Be it resolved by the General Assembly of Alabama*, That a joint committee, composed of three members of the Senate and four members of the House of Representatives, be appointed, whose duty it shall be to ascertain and report to the General Assembly whether the corporations which have received the aid of the State in the construction of railroads, have fully complied with all the terms on which the said aid was to be given.

2. *Resolved*, That the said committee shall inquire specially which of said railroad companies have constructed the first twenty miles of their respective roads, with means independent, and not in anticipation of the aid of the State ; whether any bonds for which the State is liable by indorsement or otherwise on account of railroads, have been sold for less than ninety cents on the dollar, and whether proper returns of the use made of such bonds have been made as required by law ; what security the State holds against its liability on account of any railroad, and the value of such security.

3. *Resolved*, That the said committee shall have power to send for persons and papers necessary for conducting the investigation, to compel their attendance and production, and to employ a clerk.

On motion of Mr. Boyd,

The resolutions were made the special order for to-morrow 12 o'clock, m.

Mr. Carmichael, from the committee to whom was referred the bill—

To amend and repeal section 1 of an act entitled an act to fix the time of holding the circuit court in the 8th judicial circuit, approved February 3, 1870,

Reported favorably to the bill and to the adoption of the amendment allowing two weeks for holding the circuit court in Coffee county.

The amendment was adopted.

On motion of Mr. Oates,

The bill was amended so as to give two weeks time for holding the fall term of the court in Pike county.

The bill was read the third time and passed and ordered to the Senate.

Mr. Bradford, from the select committee to examine into the condition and management of the "Alabama Institution for the Deaf, Dumb and Blind," and of the Freedmen's Hospital, located in the county of Talladega, have instructed me to make the following report :

The committee visited and made a personal inspection of the Freedmen's Hospital—a group of cabins containing nine rooms in all, seven of them occupied by the patients and two by the steward of the hospital, all of them rude, but comfortable enough for the purposes for which they are employed. It is well situated in all respects, except that it is too remote from any ample supply of water. How and at what expense the institution has heretofore been conducted, the committee had no means of ascertaining, except from the printed report of the "Trustees of the Freedmen's Hospital," which is herewith submitted, and asked to be taken as part of this report. The expenses mentioned in that report are greater than they ought to have been, and many of the persons named as patients were abundantly able to take care of themselves, and ought never to have been made pensioners upon the public bounty. But these evils were the work of a former legislature, and we can do nothing to reimburse the State the cost of them.

The appropriation for the expenses of this institution for last year was exhausted by the close of that year, and the trustees have borrowed money, the amount of which is not known to the committee, to meet the expenses of this month, not provided for by law, and have mortgaged the personal property belonging to the institution to secure the payment of the money so borrowed.

The act creating the Freedmen's Hospital, approved December 31, 1868, and the act supplementary to that act, approved February 18, 1870, have expired by limitation, and with them the Freedmen's Hospital, a State institution, has ceased to exist. But many of the inmates of the hospital are still living without any means of subsistence, and without the capacity to earn a living. Of these there are thirty still occupying the old hospital buildings, of various ages and both sexes, and so greatly afflicted with chronic and irremediable disorders as to demand the supporting, care and protection of the State. To leave them where they are, would be to kill them; to restore them to the counties from which they were gathered to their present abode, would be to oppress those counties; to provide for them is the duty of the State.

This institution is one of the many unwelcome legatees of the Freedmen's Bureau. Its inmates are the refuse of the Freedmen's Bureau Hospitals that once existed at Greenville, Selma and Talladega, that were confided to the care of the State under authority of the former of the two acts before mentioned. Whence they all come, it is now impossible to tell; and, therefore, the committee thinks it would be wrong to regard them as charges upon the counties of Butler, Dallas and Talladega. In view of all the facts herein recited, much as may be regretted the former creation of the hospital and its extravagant management, the committee have agreed to report a bill providing support the present year for the thirty invalids before mentioned, and have based the appropriation provided in the bill upon the most economical estimate they could make.

The committee have not yet completed their report as to the condition and management of the Alabama Institution for the Deaf, Dumb and the Blind, and as soon as the same is completed, it will be submitted.

All of this is respectfully submitted.

TAUL BRADFORD, Ch'n.

The bill, as reported by the committee,

To provide for the support of the Freedmen's Hospital, located at Talladega, Ala.,

Was read the first and second times forthwith.

Mr. Thompson moved to postpone till to-morrow and print 100 copies;

Lost.

The bill was referred to the Committee on Ways and Means, with instructions to report to-morrow.

Mr. Boyd, by leave, offered the following resolution;

Which was adopted :

Resolved, That the Committee on Education be instructed to examine the books and accounts of the late Superintendent of Public Instruction, and inquire into the general management of the offices of that office, the amounts of money received and disbursed by said officer, and report the result of such examination to this House.

Mr. Bullock, by leave, offered the following :

1. *Be it resolved by the House of Representatives*, That the transmission to the Senate of the resolutions originating in and adopted by the House on the 18th inst., relative to the investigation of the alleged frauds in the case of the Alabama & Chattanooga Railroad Company was a mistake—such resolutions not being intended as joint resolutions; that the House of Representatives hereby expressly disclaims attaching any blame to any officer of the House, and fully exonerates every and all officers from any blame in the transmission of said resolutions to the Senate.

Mr. Boyd moved to postpone till one o'clock to-morrow ;

Lost.

On motion of Mr. Hewitt.

The resolution was laid on the table.

CALL OF THE COUNTIES.

Bills were introduced—

By Mr. Strobach—

For the relief of J. R. Forbes, a minor of Montgomery county ;

By Mr. Gunn—

To authorize the Governor to issue a patent to D. D. Gibson and J. N. Bibb, administrators of the estate of James M. Freeman, deceased.

By Mr. Mooring—

For the relief of R. H. Jemison ;

By Mr. Bulger---

For the relief of Ida Waddell of Tallapoosa county ;

Also---

For the relief of Joel Ashley Stowe of Tallapoosa county ;

Also---

For the relief of William O. Towndes of Tallapoosa county ;

Also---

For the relief of Joseph Bell of Montgomery county ;

By Mr. Thompson of Winston---

To require the tax collector of Winston county to take jury claim in payment of county tax ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

By Mr. Gunn---

To amend the charter of the town of Decatur, Morgan county, Alabama ;

Also---

To prevent the sale of spirituous liquors within three miles of Trinity church, Montgomery county, Alabama ;

Also---

To prevent the sale, or giving away of vinous, malt, or spirituous liquors in the town of Somerville, Alabama ;

By Mr. Lewis---

To amend an act to prohibit the sale of spirituous liquors within five miles of Harmony church, in Shelby county ;

By Mr. Bradford---

To amend section 27 of an act entitled an act to establish a new charter for the city of Talladega, and to repeal all laws in contravention thereto, approved March 1st, 1870 ;

By Mr. Bulger---

To incorporate the town of Dadeville, in the county of Tallapoosa ;

By Mr. Perrin---

To prevent the sale of vinous or spirituous liquors, within three quarters of a mile of the residence of Rev. John Wilmer ;

Which were severally read the first and second times forthwith, and referred to the Committee on Corporations ;

By Mr. Curtis---

To amend section 4247 of the Revised Code of Alabama, in respect to the qualification of bail ;

Also---

To require certain officers to pay into the county treasuries of their respective counties, all costs other than such as they are entitled to receive for services rendered in certain cases ;

By Mr. Hodo---

To prohibit the dealing in county claims by public officers ;

Also—

To authorize executors and administrators, to compromise on all claims due estates ;

Also—

To authorize executors and administrators to sell growing crops ;

By Mr. Lewis—

To amend section 3300n of the Revised Code of Alabama ;

Also—

To amend section 3307 of the Revised Code of Alabama ;

By Mr. Bradford—

To prevent prosecution of persons who may have testified before the House Committee of inquiry into liability of the State on account of railroad bonds ;

Which were read the first and second times forthwith, and referred to the Committee on Revision of the Laws ;

By Mr. Davis---

To allow W. B. Sanders of Randolph county, to peddle without taking out and paying for State and county license ;

By Mr. Smith of Sumter---

To make the sheriff of Sumter county *ex-officio* the tax collector of said county ;

By Mr. Wyman—

To amend section 62 of an act to establish revenue laws for the State of Alabama ;

By Mr. Clements—

For the relief of Mrs. Ann S. Prince from unjust taxation ;

Also—

To amend subdivision nine of section 112 of the revenue laws ;

Which were severally read the first and second times forthwith, and referred to the Committee on Ways and Means.

By Mr. Davis---

To prevent persons from voting at general elections, who fail to pay their taxes of the previous year ;

Which was read once.

On motion of Mr. Strobach, it was laid on the table.

By Mr. Lewis---

To repeal an act to authorize the several counties and towns, and cities of the State of Alabama, to subscribe to the capital stock of such railroads throughout the State, as they may consider most conducive to their respective interests ;

By Mr. Wyman—

To amend an act to amend, and continue in force, an act to incorporate a company to build a bridge across the Black Warrior river, opposite the town of Tuskaloosa, approved January 2d, 1833 ;

Also---

A petition from the citizens of Tuskaloosa county, relative to cleaning out the Black Warrior river ;

Which bills were severally read the first and second times forthwith, and referred, with the petition, to the Committee on Internal Improvements.

By Mr. Lewis---

To amend section 2376 of the Revised Code of Alabama ;

By Mr. Box---

To authorize executors and administrators of insolvent estates, to sell claims due such estates ;

By Mr. Smith of Sumter---

For the better protection of owners of land in payments by railroad companies, their lessees and agents, for rights of way and other privileges ;

Also---

Providing a more convenient mode of suing railroad companies in the State of Alabama ;

Also---

To establish uniform rates of freight and travel on the railroads within the State of Alabama ;

Also---

To regulate office hours for the sale of tickets to the traveling public on railroads in the State of Alabama ;

By Mr. Mooring---

For the relief of the estate of A. M. Lewis, deceased ;

Also---

To legalize the sale of lands in the county of Sumter ;

Also---

To give preferred liens on crops ;

By Mr. Bradford---

To punish officers for approving official bonds insufficiently secured ;

By Mr. Bulger---

To regulate the manner of holding the circuit courts of this State ;

Mr. Wyman—

To fix the time for the annual meeting of the General Assembly of Alabama ;

Which were severally read the first and second times forthwith, and referred to the Judiciary Committee.

Message from the Senate by Mr. Whiting.

Mr. Speaker :

The Senate has adopted a substitute as herewith transmitted, for the House bill—

For the relief of delinquent tax payers;

And has originated and adopted a joint resolution, as herewith transmitted.

M. P. BLUE,
Secretary of Senate.

On motion of Mr. Bulger, the call of the counties was suspended, to take up the Senate substitute for the House bill—

For the relief of delinquent tax payers.

Mr. Oates moved to lay the bill and substitute on the table ;
Lost.

Yeas 14, nays 75.

Those who voted yea are—

Messrs. Callaway, Craig, Drake, Gaskin, Haralson, Johnson of Dallas, McCall, Marlowe, Oates, Perrin, Powell, Rice, Strauss and Strobach—14.

Those who voted nay are—

Messrs. Speaker, Alley, Ashurst, Bassett, Benson, Boyd, Bradford, Bullock, Carlin, Carmichael, Clark, Clements, Cowan, Cochran, Crook, Curtis, Davis, Diggs, Dozier, Dustan, Ellison, Etheridge, Gee, Gilchrist, Graham, Grayson of Clark, Grayson of Madison, Green, Gunn, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, Lowe, McCaskey, McDermott, Mancill, Miller, Mooring, Murrah, Payne, Raisler, Semmes, Simms, Smith Greene, Smith of Sumter, Smitherman, Speed, St. Clair, Steele, Taylor of Lauderdale, Taylor of Winston, Thompson, Toomer, Toulmin, Ware, Weatherford, Wells, White, Williams and Wyman—75.

The hour of 12 o'clock having arrived—

On motion of Mr. Bulger, the orders of the day were suspended to dispose of the bill under consideration.

The House concurred in the Senate substitute, and directed the clerk to notify the Senate forthwith.

On motion of Mr. Toomer, the orders of the day were further suspended to finish the call of the counties.

By Mr. Box, a bill—

To prohibit the sale, or otherwise disposing of spirituous, vinous, or malt liquors, within one mile of the court-house in the town of Ashville, in the county of St. Clair.

By Mr. Clements—

To authorize Chas. M. Foster, administrator *de bonis non* of Edmund Prince, deceased, to make title to certain lands ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Wyman—

To amend section 429 of the Revised Code of Alabama ;

Which was read the first and second times forthwith, and referred to the Committee on Education.

On motion of Mr. Wyman, the Senate joint resolution authorizing the raising of a joint committee of three on the part of the Senate, and five on the part of the House, to take into consideration that part of the Governor's message relating to the Insane Hospital, embracing the report of the Superintendent of the Hospital, and authorizing the committee to report by bill or otherwise, was taken up, and the resolution was adopted.

ORDERS OF THE DAY.

On motion of Mr. Bulger, the bill

For the relief of certain tax payers therein named ;

Was made the special order for to-morrow 12 o'clock, m.

On motion of Mr. Toomer —

The House adjourned till 10 o'clock a. m., to-morrow.

TUESDAY, January 24, 1871.

House met pursuant to adjournment.

Prayer by the Rev. Dr. Petrie.

Journal of yesterday was read and approved.

On motion of Mr. Hewitt, the call of the counties was suspended, to allow committees to report.

Mr. Oates, from the Judiciary Committee, reported adversely to the following bills and petitions ;

To repeal an act to regulate the publication of legal and other notices in the State of Alabama ;

Petition from certain citizens of Cleburne county ;

To amend section 2302 of the Revised Code ;

To repeal an act to amend and repeal sub-division 10 of section 750 of the Revised Code, approved February 21st, 1870 ;

To limit the terms of the circuit court of Talladega county ;

To repeal section 3519 of the Revised Code of Alabama ;

To repeal an act to amend an act to regulate the publication of legal and other notices in the State of Alabama ;

To amend an act for the relief of laborers and employees, approved October 10th, 1868 ;

More effectually to prevent the offenses of arson and burglary ;

To compel administrators, executors and guardians to make final settlements ;

The reports were severally concurred in.

Mr. Oates, from same committee, reported favorably to the following bills :

To repeal an act to enable certain officers to collect their fees, approved December 31st, 1868 ;

To amend section 2645 of the Revised Code ;

To repeal an act for the government of the Bureau of Industrial Resources, approved August 12th, 1868 ;

To amend section 2660 of the Revised Code ;

To repeal an act to amend section 4063 of the Revised Code, approved December 31st, 1868 ;

To repeal an act to regulate lotteries ;

To amend section 3706 of the Revised Code ;

The bills were severally read the 3d time forthwith and passed.

Also, adversely to the bill—

To create a new chancery district out of the counties of Dale and Geneva.

The House refused to concur in the report of the committee, and the bill was read the third time forthwith and passed.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has passed House bills as follows :

To incorporate the Eufaula Hook and Ladder Company ;

For the relief of the poor of Dale county;

To incorporate the Lomax Fire Engine Company No. 4, of the city of Montgomery;

To legalize the location of the court-house of the county of Dale;

To authorize the county treasurer of Jackson county, to pay the guards for prisoners of said county;

To relieve Wilson M. Cooper and Jane F. Arnold, of the disabilities of non-age;

To repeal an act to authorize the appointment of a guardian *ad litem* for each county;

And has amended a House bill—

To be entitled an act for the relief of citizens who are exempted on account of age from serving on juries.

And has originated and adopted a joint resolution herewith transmitted.

M. P. BLUE,
Secretary of Senate.

Mr. Oates, from the same committee, reported adversely to the bill—

To repeal an act to amend section 2351 of the Revised Code, approved March 1, 1870.

The report was concurred in.

On motion of Mr. Lewis—

The vote by which the House concurred in the report of the committee was reconsidered, and the bill was made the special order for 12 o'clock m., to-morrow.

Mr. Oates, from the same committee, reported a substitute for the bills—

To ratify certain sales made by administrators, executors, guardians and trustees, therein mentioned;

To ratify certain laws enacted during the late war, therein mentioned;

To ratify certain acts, judgments and decrees, therein mentioned.

The substitute is entitled as follows:

To declare the effect of judicial proceedings in this State during the late civil war.

The substitute was made the special order for 1 o'clock p. m., to-morrow.

The hour of 12 o'clock having arrived, and the special order for this hour being the

Joint resolutions for a committee to inquire into the condition of railroad bonds, &c.,

Offered by Mr. Marlowe ;

On motion of Mr. Strobach, it was postponed till 12½ o'clock.

Mr. Oates, from the committee on Ways and Means, asked for further time to report on the bill---

To provide for the support of the Freedman's Hospital, located at Talladega.

The next special order being the bill—

For the relief of certain tax-payers therein named ;

It was taken up.

Mr. Oates moved to amend by adding the following to the 5th section of the bill :

Provided, The provisions of the 3d and 4th sections of the bill shall not apply to the county of Henry.

On motion of Mr. Alley, the previous question was ordered.

The bill was read the third time and lost---yeas 29, nays 65.

Messrs. Ashurst, Boyd, Bradford, Bulger, Bullock, Callaway, Cowan, Doster, Graham, Grayson of Clark, Grayson of Madison, Hamilton, Henry, Holmes of Sumter, Hurt, Johnson of Coosa, Kennedy, Leath, Lowe, McDermott, Payne, Raisler, Rice, Simms, Smith of Choctaw, Smith of Sumter, Toomer, Ware and Williams---29.

Those who voted nay are—

Messrs. Speaker, Alley, Appleton, Bassett, Black, Box, Carlin, Carmichael, Clark, Clements, Cochran, Craig, Crook, Curtis, Davis, Diggs, Dozier, Drake, Duskin, Dustan, Ellison, Etheridge, Gaskin, Gee, Gilchrist, Green, Gunn, Haralson, Harmount, Henderson, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Howell, Johnson of Dallas, Lewis, Lindsay, McCall, McCaskey, Mancill, Marlowe, Miller, Moore, Mooring, Murrah, Oates, Perrin, Powell, Semmes, Smith of Greene, Speake, Speed, St. Clair, Steele, Strauss, Strobach, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Weatherford, Wells, White and Wyman—65.

Message from the Governor, by Mr. Gindrat ;

Which was received.

The special order for the hour being the

Joint resolutions relative to the appointment of a committee to inquire into the condition of railroad bonds, &c.;

It was again postponed.

On motion of Mr. Strobach, the Governor's message was read ; and,

On motion of Mr. Oates, two thousand copies were ordered to be printed.

MESSAGE.

STATE OF ALABAMA,
EXECUTIVE DEPARTMENT,
Montgomery, January 24, 1871. }

*Gentlemen of the Senate and
House of Representatives :*

SOCIAL CONDITION OF THE STATE.

In greeting your return to a resumption of your Legislative duties, it affords me the highest gratification in being permitted to congratulate you, and through you the various constituencies you represent, upon the general good order and social tranquillity which prevail throughout our State; though occasional aggravated infractions of the law have interrupted the peace of communities, the perpetrators of which must, and shall be brought to punishment; yet it is pleasing to observe the increasing solicitude and determination, on the part of the people, to promote morality, and to maintain the supremacy of the laws. This is the more cheering and encouraging, for however severe a law may be in its provisions, however stern and inflexible the judge may be in its administration, or the officer in its execution, its power at last, is in a great degree dependent upon the homage and obedience yielded to it by the masses of the people.

To secure this obedience, it behooves the law-giver to consider well the necessity which demands the statute, and confine its exactions within the measure of that necessity. When this maxim is strictly observed, criminal legislation rarely fails to command popular approval and obedience. On the other hand, when influences, such as personal aggrandizement, or political or partisan ambition control the spirit of legislation, laws become a curse rather than a blessing; a source of discord rather than a fountain of peace; instruments of oppression and wrong instead of guarantees of liberty and justice.

Cherishing the highest confidence in your wisdom, gentlemen, and in your patriotism and fidelity to the liberties of the people of Alabama, I am satisfied that your solemn and re-

sponsible duties will be discharged with the single and sacred aim of guarding the constitutional rights of every citizen, regardless of his race, his station in life, or of his political creed; and in all your proceedings I hope and expect to co-operate with harmony and energy. Entrusted by the constitution with the Executive Department of the State, I shall endeavor, vigilantly and earnestly, to defend and protect its peace; in every section, rebuke lawlessness, in whatever form it may arise, and use all the forces justified by the constitution and the laws, to repress violence and crime from whatever motive it may spring; and shall, whenever authorized, held to a prompt and strict accountability, all officers guilty of neglect or inefficiency in the performance of their duty.

While the social and political condition of the State is thus happy and promising, it is deeply to be regretted that a few selfish, restless, and aspiring men, animated by motives of revenge, or the promptings of a wicked ambition, are laboring with a zeal commensurate with their unworthy purpose, not only to asperse the character and impair the fair fame of Alabama, but also to disturb her present felicitous and harmonious relations with the Federal authorities. The time, I sincerely hope, has arrived when disappointed politicians will find themselves impotent, by their cunning and malice, to overthrow the peace and progress of a State.

MATERIAL INTERESTS.

In her material interests the State continues to prosper. Industry and frugality eminently distinguish all classes of the people, and but for the depressing influence of the sanguinary conflict now exhausting, and devastating two of the great nations of Europe, Alabama to-day would be in the enjoyment of a prosperity unexperienced during the past decade. The present year opens with renewed energy and hope, and under the power and guidance of a Beneficent Providence I trust its close will find us in the possession of affluence and domestic contentment.

RAILROAD ENTERPRISES AND STATE AID.

The various and important railroad enterprises, now progressing, some of them rapidly towards completion, are open-

ing new fields of industry, and developing rich and varied sources of wealth, which at no remote day will place Alabama foremost among her sister States, in the march of progress and enterprise. That the State should continue to encourage and foster works of internal improvements, political economy and civilization alike advise. But to what extent and in what manner a government like that of Alabama should aid or engage in such works, is one of the gravest and most delicate problems, which appeals to the wisdom of the legislator and the statesman; and its solution seems every day to become more and more involved in difficulty and uncertainty. That individual enterprise, and capital, constitute the proper and legitimate, and best means to be employed in works of internal improvements, experience most signally proves. When men of business deal with, and manage their own affairs, vigilance, energy, economy, and care are more apt to distinguish their acts, than when they have the privilege, and opportunity of sporting with the public treasury or the public credit. The government of this State, has, however, adopted a railroad system, based upon her credit. How that system has worked, how it has been administered, and how far, and in what manner, the credit of the State has been involved from the incipency of the system to this time, is a subject to which I now call your especial and calm consideration.

At the session of 1866-7, the Legislature enacted a law authorizing the Governor, under certain restrictions, to endorse the bonds of railroad companies to the amount of twelve thousand dollars per mile. The members composing that Legislature were actuated by a most sincere, and fervent desire to aid in achieving the development of the vast mineral wealth which swelled our great, but at that time inaccessible mountain regions.

Twelve thousand dollars per mile, after mature consideration, was determined upon as the amount for which the credit of the State could be securely and prudently pledged. It was calculated that the average cost of building a mile of railroad would and ought not to exceed twenty-four thousand dollars, and in order to secure a faithful and honest use of the State credit, the company receiving it should contribute from other resources, one half of that cost. Railroad men approved the measure, and acknowledged its liberality and ampleness. Before any benefit of this law, however, was

claimed by the railroad companies of the State, another Legislature convened, which enlarged that amount to sixteen thousand dollars per mile; thus exhibiting an augmentation of the demand, on the part of railroad companies, by a species of arithmetical progression natural to corporations, reposing their hopes and speculations on the liberality of the State. The wisdom and policy of this increase is no longer a useful subject of inquiry or comment. At the session of 1869-70, the railroad system again underwent a revision, and again the railroad companies triumphed. It is not my province to inquire how that triumph was effected. The general endorsement system was re-enacted, and additional and special aid granted to four railroads of the State. The endorsement of the bonds of the South and North railroad was increased to twenty-two thousand dollars per mile. The Mobile and Montgomery railroad became entitled to an aggregate endorsement of twenty-five hundred thousand dollars. Three hundred thousand dollars, in addition to the sixteen thousand dollars per mile, was loaned in the bonds of the State, to the Montgomery and Eufaula road; and two million dollars in State bonds to the Alabama and Chattanooga Railroad company. To what extent bonds under the various statutes, have been endorsed and issued by the State, it is impossible to inform you. Neither in the Executive office, nor in any other office of the government, can be found a record of the action of the Executive in this regard.

I have no knowledge of the form of the bonds, except those of the Montgomery & Mobile and the Montgomery & Eufaula railroads, and, unless from rumors or unofficial information, I cannot even suppose the number of bonds indorsed to any company, the time when and where payable, or whether indorsed or issued according to law.

This condition of matters of such vast moment to the interest of the State, is to be deeply regretted, and I shall endeavor to remedy it at the earliest practicable time. I have, however, reason to believe that the bonds of the two million loan to the Alabama & Chattanooga Railroad, were issued on or about the second day of March, 1870, payable in gold, both principal and interest; but when said bonds were sold, or how many of them have been sold, I have no information.

By the several statutes, it is provided that the companies entitled to and obtaining State aid, shall, in the case of indorsed bonds, "deposit with the Auditor of the State of Ala-

bama, at least fifteen days before the interest becomes due, from time to time, upon said bonds, indorsed as aforesaid, an amount sufficient to pay such interest, including exchange and necessary commissions, or satisfactory evidence that said interest has been paid or provided for; and if said company fails to deposit said interest as aforesaid, or to furnish the evidence as aforesaid, it shall be the duty of the Auditor to report that fact to the Governor."

On the 31st day of December, I was first officially notified of the default of any of the companies to pay their interest; but that mattered little, as the Auditor and myself had previously had a conversation on the subject. I have discovered that the interest of the bonds of the various railroads is not payable at the same time. I find that part of them pay their interest in March and September—others in April and October. The interest due on the indorsed bonds of the Alabama & Chattanooga Railroad, and on the two million bonds loaned that company, is payable on the first day of January and July, and at these respective periods the interest on the three hundred thousand dollars loaned to the Montgomery & Eufaula Railroad, is also payable. Mr. Owen, President of the last mentioned company, deposited with our financial agents, Lehman, Durr & Co., of the city of Montgomery, the funds necessary to meet said interest, which they transmitted to Henry Clews & Co., financial agents of the State in the city of New York, where the interest on said bonds was made payable.

ALABAMA & CHATTANOOGA RAILROAD.

On the 24th of December last, a telegram reached me from New York, and signed "J. C. Stanton," informing me, that he was making arrangements to meet the interest due from the Alabama & Chattanooga Railroad Company. This intelligence was gratifying. Reports and rumors, however, soon followed, that that Company had failed to provide for the payment of its interest; which rumors were confirmed by a dispatch from Henry Clews & Co.

I need not dwell on the deep regret with which I received and read this announcement. I had earnestly hoped and believed that all the railroad companies would, by prudence and foresight, provide against so great a calamity, not only to their own immediate interest, but to the railroad system of the State.

Alabama had indorsed, with a liberal hand, the bonds of the Alabama & Chattanooga Railroad Company, and, as the principals in the contract, it devolved upon them, as a solemn duty, to save the indorser from the liability, as well as the financial disgrace, sure to attach to her name, by the default of a corporation she had, to a great extent, entrusted with her credit, and the development of her material wealth. I still continued to cherish an anxious hope that the interest would be paid, but I have hoped in vain ; and the interest due on the indorsed bonds of the Alabama & Chattanooga Railroad, as well as that due on the two million bonds of the State, loaned that company, stand to-day under protest in the financial world.

In all this matter, I have earnestly and calmly considered the duty and the power of the Executive, under and by virtue of the several statutes pertaining thereto ; and, after contemplating the momentous question in all its bearings, I arrived at the conclusion that the only course I would be justified in pursuing, was to await your return, and ask your deliberate action and co-operation. The statute seems to authorize and require me, in default of a railroad company, to pay its interest, to take possession of the road, and hold and work the road, until the company reimbursed the State for any outlay to which she had been subjected, and to cause the sheriffs to take possession thereof, in the event the company failed to surrender it. This I believed impolitic and impracticable. First. I deemed it marvelously strange that a company receiving such vast aid from the State—not less than six millions of dollars in her indorsed and the two million bonds loaned—a great portion of them within the last ten months, should thus fail to meet the comparatively small amount of accruing interest. I esteemed this failure as a significant indication that the company either intended to play upon and involve the credit of the State, or could not raise the means necessary. The last alternative I could not, and admit. My credulity, nor is yours, so accessible and pliant as to believe that a corporation of such magnitude and interests as that of the Alabama & Chattanooga Railroad Company, with millions of investments, could nor cannot raise the sum of two or three hundred thousand dollars, in financial circles, especially when so many other and immense interests depend upon their promptitude and honesty.

To seize the road was simply an impossibility, if it had been expedient.

The road extends through four States. Commencing in Tennessee, it passes through portions of that State, and portions of Georgia, Alabama, and Mississippi, where it terminates; and it is well known that at Chattanooga is located the most valuable property of the road—its depots, its machine shops,—and there, too, in a few hours, may be concentrated all its rolling stock and other movable property. The sheriffs of Alabama were impotent to reach this point in their official or effective capacity. To have paid the interest, and to have seized the unfinished part of the road in Alabama, would have been a positive assumption of great responsibilities and liabilities, without acquiring a single resource from the seizure to respond to them. To complete the road, I had no power; to have undertaken to operate an intervening space, remote from the termini, would have been expensive, without profit—even ridiculous. To have sold it, would have been gratifying to the speculating, watchful and anxious cormorants, who are hovering over the prey. I could not act in this matter without the co-operation, counsels, and acts of the General Assembly.

The whole matter, it cannot be disguised, is surrounded with the greatest difficulties, and it will require the calmest and most earnest deliberation, on the part of both the legislative and executive departments of the government, to successfully encounter and overcome them. I recommend a recognition of all our just, legal and honorable obligations. And, pursuant to the promptings of this principle, I counselled the State Treasurer to stop the payment of all other claims until he had furnished our financial agent in Montgomery with the amount of money necessary to pay the interest due on our bonds, payable in Europe and America. This he did. I refer to the payment of interest on our old indebtedness, incurred prior to the year 1870. With regard to the liabilities of the State incurred on account of the Alabama & Chattanooga Railroad Company, I frankly confess, I have encountered the greatest anxiety and embarrassment in every phase in which it has presented itself.

From information, not at all definite in its character, I surmise that the indorsed bonds of this company amount to between four and five millions—which, added to the two million of State bonds, make an aggregate liability of the State for at least six millions of dollars, and upwards. The interest on the indorsed bonds is payable by the State in currency,

the interest on the two million bonds in gold. Five hundred thousand dollars, must, therefore, be annually provided for by the State to pay this interest, if she recognizes the validity of the debt and assumes its payment. This is the State's liability for one railroad company alone.

Unexpectedly, this embarrassment has befallen the State. Without expectation or warning, she is called upon to respond to this heavy indebtedness, and she is not prepared to meet it. Ignorant of the amounts charged against her in the commercial world, without a record of her liabilities in the archives of her own government, she is suddenly placarded throughout christendom, as recreant to her fame, and faithless to her pledges.

Against this, I here, and in the name of Alabama, protest, and demand that the shame and odium shall be attributed to those who have gambled with or abused her credit. I have been urged to pay the interest due on the bonds of the Alabama & Chattanooga Railroad Company, and positively refused, and shall continue to refuse, unless empowered and required by your legislation to do so. The treasury of the State is not in a condition to furnish the means, and I cannot, and do not recommend an increase of our already oppressive taxation to supply the faithlessness of this railroad corporation. It is true, the State might issue bonds *ad libitum* to cover up the delinquencies and spoliations of speculators and financial gamblers ; but would that be fair, would it be honest or consonant with the fair dealings of the State ? Will it not be better to meet the issue at once, and ignore every party that has wanted with and sought to humiliate her credit and name ? I have said that there is no record of the State liabilities in behalf of this company ; neither can be found any of the securities required by law to be given to the State by that company. What has become of them, or whether they were executed, delivered, and placed on the file in any of the offices of the government, I am unable to inform you.

I, therefore, recommend that a joint committee of the two House of the General Assembly be raised, with proper and necessary powers to enquire into this, before any final action is taken thereon. I do not desire the State of Alabama to manifest even a reluctance to meet her just and honest liabilities ; but I do insist upon her right and her duty, both to herself and those who claim to be her creditors, to

institute this investigation before she pledges her future. There is one course which can be adopted with safety and justice alike to the State and bondholder ; that is, the enactment of a law providing for the transfer to the holders of the indorsed and the two million bonds, all the rights, liens, securities, mortgages, assets, and property secured by statute, or in any other way, vested in the State of Alabama, by this road, and to pass such laws as will enable said bondholders to prosecute the rights to which they are subrogated, under such transfer,—provided they will release the State of Alabama from all liability on said bonds.

These bonds are in the hands, no doubt, of the original purchasers, cognizant of all the facts connected with their origin. The State is only liable for sixteen thousand dollars per mile, and it is acknowledged that a first class road costs twenty-five or thirty thousand dollars per mile for its construction. The State will, therefore, be conveying to the creditors of the Alabama & Chattanooga Railroad Company securities equal to double the amount of the State's liabilities. This is practicable by the appointment of a trustee, authorized by the bondholders to act in the premises. This would be just to the creditors and honorable to the State. All this I submit to your consideration. There is, however, a very great and significant difference between the indorsed bonds of the Alabama & Chattanooga Railroad Company and what is known as the two million bonds. The latter are a direct and primary obligation of the State. The State is principal, and alone known and liable on the bond. An innocent holder, in contemplation of the law, is not presumed to know the consideration nor the parties to the original contract. To this fact I feel it my duty to call your attention. With these statements, views and suggestions, I commit this great and important question to your wisdom and conclusions. While the Alabama & Chattanooga Railroad Company has failed to fulfill their pledges and obligations to the State and their immediate creditors, I may be permitted to say that their enterprise is one of great interest and pleasure to the State, and the work, up to this time, conducted with skill and energy, though their financial transactions have been wanting in prudence and economy, and their designs upon the State reprehensible.

CONDUCT OF OTHER ROADS.

So far as my knowledge extends, I am convinced that the other railroad companies, who are beneficiaries of the indorsement system, are earnest and honest in their purposes, and I earnestly recommend that the General Assembly will enact such laws as will encourage and promote our railroad system, and secure a faithful performance on the part of the companies, and to the State a remedy in the event of her incurring liabilities.

Alabama is rich in all the elements of material wealth, and wherever she can extend her credit to develop it, without imperiling her honor, it will redound to her interest to do so. But I recommend that, in all your legislation, look to the honesty of the parties with whom the State contracts.

REFUSAL TO INDORSE GOLD BONDS.

Under the various indorsement laws, the Governor, in direct terms, is not restricted as to the character of the bonds which he may indorse—whether they are payable in gold or lawful currency of the United States; but, believing that the legislature which passed the law intended to pledge the credit of the State to payment in the money she realized from her taxes, I have refused to sign bonds payable in gold and in “gold coin.”

FINANCES AND ADMINISTRATION OF SCHOOL SYSTEM.

From the reports of Auditor and Treasurer, heretofore placed before you, your will ascertain the condition of the finances of the State. Our income from taxes and other sources appears to be greater than the necessities of the government require, and, therefore, the reduction of the taxes addresses itself to your consideration. The tax on both personal and real property, in my opinion, can be safely changed from 75 cents on the \$100 to 60 cents; indeed, I think there will be little risk in reducing it to 50 cents. Our expenditures are susceptible of diminution, without obstructing or impairing the operations of the government. Wherever I have the power to do so, I will introduce economy into every office and every department. I herewith submit for your information and examination a report furnished by Messrs. Bugbee, Stow and Hatchett, commissioners appointed by Gover-

nor Smith to examine into the affairs, &c., of the offices of Superintendent of Public Instruction, Auditor and Treasurer. With the offices of Auditor and Treasurer and their operations, the commissioners express satisfaction. With regard to the office of Superintendent of Public Instruction, they report not only an unsatisfactory, but a most shameful and reprehensible state of things. The facts set forth by the commissioners are surely a stern condemnation of the management of our educational system during the past year. The present Superintendent, it is to be hoped, will be able to rescue the system from its degradation, and establish it on a basis which will secure to it the support and affections of the people. The fund provided for the maintenance of our public schools is exceedingly liberal, I may say ample, if its administration is judicious and faithful. Education is the strength and glory of a State; and I trust to see the day when every class of citizens of Alabama will enjoy its benefits and blessings. How much nobler to prevent crime by the power and influence of the school house, than to punish it in jail and penitentiary.

PROTECTION OF THE BALLOT BOX.

I need not say that there is nothing so much calculated to agitate and disturb the popular mind, or to interrupt our domestic quiet, as the political contests occurring so often under our republican form of government. I, therefore, earnestly recommend a revision of all laws regulating elections, in order to protect, with exactness, the political rights and privileges of every citizen, and secure, at the ballot box, a full and fair ascertainment of popular opinion. Fraud in voting should be guarded against in every practicable and possible way, and I think our laws are defective in this regard. No challenge at the polls is permitted—in fact, it is, in direct terms, prohibited. Age nor citizenship can be asked; the minor and the alien can cast his vote, and no one dare protest. In addition to this, the voter is not restrained to voting in the precinct where he lives and is known. These two defects, taken together, are dangerous in the highest degree to the purity of elections, avenues of fraud and corruption, instead of subserving the dignity and liberties of republican government. Under the present statutes, fraudulent voting may be punished; but who will prosecute the of-

fender? By such a remedy, personal animosity may be gratified and party disappointment avenged,—yet the result of the election remains unchanged. Illegal voting must be prevented, not merely punished, if fair elections would be secured. I, therefore, recommend that the privilege of challenging the voter be restored, and, also, that every citizen shall vote only in the precinct of his residence. In this recommendation I am only actuated by a sincere desire to have the purity of the ballot box, the great patladium of American liberties, protected. I also recommend the enactment of such laws as will afford an easy, ready and inexpensive contest to every candidate for office. This is due to the citizen, and indispensable to justice and the public weal.

COUNTY SOLICITORSHIP AND ITS INEFFICIENCY.

The enforcement of our criminal laws is a subject of almost universal complaint among the people, and justly so. There are many causes to which may be assigned the impunity with which the criminal laws of the State are violated, but observation and experience have convinced me that the chief source of this evil is to be found in the inefficiency of our present system of County Solicitorship. The office of County Solicitor is neither in its dignity nor its fees calculated to secure professional ability, nor an energetic discharge of duty. In addition to this the County Solicitor is too often subjected to the apprehensions and intimidation which local desperadoes exercise over communities.

And I therefore recommend the enactment of laws consistent with the Constitution, which will restore the old system of Circuit Solicitors. Crime must be punished, and I know of no more effective mode by which this desirable object can be accomplished than by Solicitors free from the restraining influence of local or personal prejudice.

There are other subjects that I deem of interest and importance, to which I will take the liberty of calling your attention and consideration at an early day.

ROB'T B. LINDSAY.

REPORT OF COMMISSIONERS.

To His Excellency R. B. LINDSAY,
Governor of Alabama :

The undersigned, having been appointed by your predecessor, Governor Smith, commissioners to examine into and report upon the affairs in the offices of the Superintendent of Public Instruction, Auditor and Treasurer of State, herewith beg leave to submit their report of the same.

We entered upon the duties assigned us just as the Legislature convened, and had made but little progress in examining the office of the Superintendent of Public Instruction when the former Superintendent was succeeded by the present head of that department.

This change necessarily delayed us in the performance of our duties, but the greatest difficulty we have had to contend with in that office has arisen from the fact that we found no books properly kept, from which to draw information, but had to rely almost entirely on memoranda and verbal explanations furnished by the Superintendent and his clerks.

On this account the examination has been tedious and unsatisfactory to ourselves, owing in great part to the want of any organized system of keeping the books in this office, and to the further fact that what books are in it had not been posted during the whole scholastic year.

Notwithstanding these difficulties, we believe we have succeeded in ascertaining how the affairs have been conducted and stood on the 1st October last.

We think that the amounts certified by the Superintendent to the Auditor to be due the various County Superintendents were in the main correct, though we find that the report from one county is now very much defaced by erasures, which the Superintendent and his clerks assure us has been done since the same was examined and certified by him, and by some one to them unknown.

This report, as presented to the Superintendent, showed that schools were taught in certain townships, and furnished the names of the teachers; now the names of the teachers are erased, though the sum of \$342 has been drawn by the County Superintendent to pay them, and when no schools were taught in those townships.

In two other counties we find that without any detailed report from the County Superintendents as to whether any

schools were actually taught, or if taught, by whom, but upon a mere estimate or statement of the Superintendents, they have received certificates and been allowed to draw the amounts of their estimates from the treasury.

This the Superintendent claims to be in accordance with law; we, however, differ in opinion with him, but as it is not our province to decide questions of law, we merely call attention to the fact, and will specify the cases if it is desired.

In regard to the payments made for schools claimed to have been taught during the years 1866, 1867 and 1868, under acts of the Legislature approved February 21, 1870, and February 23, 1870, we find that the sum of \$499 29-100 was paid to the county of Elmore for the year 1867, although the books in the office show that not one dollar was due that county, as the whole apportionment had been previously paid to a former County Superintendent.

It is but justice to Dr. Cloud, however, to say that before paying this amount he had the opinion of the Attorney General that such payment was legal, if "*a free public school*" had been taught in the county, the teacher of which had not been paid. But we find nothing to show that this amount was due, or claimed by one who had taught a "*free public school*." And, indeed, we find no evidence in the office that any "*free public schools*" were taught in any of the counties to which the amount of the appropriations under the two acts referred to were apportioned, and for which certificates were issued by the Superintendent of Public Instruction, and upon which the County Superintendents have been paid nearly \$225,000; nor is there any evidence in the office that one dollar of this large sum was due to or even claimed by teachers for their services during the years of 1866, 1867, or 1868.

Up to the present time over \$235,000 has been drawn out of the State Treasury by County Superintendents, under these acts of the Legislature, of which only about \$10,000 has been accounted for. This shows that there is yet in the hands of the County Superintendents over \$225,000 of the people's money, which, we think, to use the mildest term, has been paid out without due regard to the interest of the State.

We have carefully examined and compared the books of the Auditor with those of the Treasurer, and found them to agree, with the exception of a few dollars, mere clerical errors, which of course we had corrected.

The Auditor had made out his report to the Governor before we did this, and we find that his printed report differs from the books as corrected by us, \$53. This, we presume, is a clerical error, and arises from the fact that his books were not, and indeed are not yet, posted and balanced. This is the only cause of complaint we find in the Auditor's office, and this may arise from a want of sufficient clerical force.

We find that the Auditor has been very particular to obtain the opinion of the Attorney General as to his issuing warrants on the Treasurer, in all doubtful cases, and we believe he has endeavored to guard the interests of the State.

We desire to call attention to the large amounts paid out under the head of "Temporary Clerks," particularly in the offices of the Reporter and Clerk of the Supreme Court. This has been done under section 73 of the Revised Code, but we do not think that either the Reporter or the Clerk of the Supreme Court is the "head of a department," and we cannot think such amounts were paid out legally.

We also notice that the Secretary of State himself was paid for extra work in his own office.

In the office of the State Treasurer we found the books well kept, duly posted up to date, and the balance of cash on hand agreeing exactly with the books.

All of which is respectfully submitted.

F. BUGBEE,
J. P. STOW,
W. T. HATCHETT,
Commissioners.

P. S.—On application to Gov. Smith he allowed us Mr. Wm. Robertson as a clerk, whose services enabled us to get through sooner than we otherwise could have done.

The House adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, January 25, 1871.

House met pursuant to adjournment.

Prayer by Rev. Dr. Petrie, of the Presbyterian church, of this city.

Journal of yesterday read and approved.

Mr. Strobach, by leave, offered a resolution—

Resolved, That the portion of the Governor's message relating to the Alabama and Chattanooga railroad, and other railroads, be referred to a special committee of seven; the portion relating to the office of Superintendent of Public Instruction to a committee of five; and to two committees of three, the portions referring to the election law and the penal code, with instructions to report as soon as practicable. The committees to be appointed by the Speaker.

Mr. Harmount offered the following as a substitute:

Resolved, That the portion of the message of the Governor referring to school matters, be referred to the Committee on Education; that referring to lawlessness, to the Judiciary Committee; and that regarding railroads, to the special committee appointed to investigate the affairs of the Alabama and Chattanooga railroad, and other railroads.

Mr. Strobach moved to lay the substitute on the table.

Lost.

The substitute was adopted.

Mr. Steele, by leave, offered the following resolutions:

Resolved by the House of Representatives of the General Assembly of the State of Alabama, That the Senate be notified of the appointment of a committee of inquiry into the condition of railroad companies in this State, and into the liability of the State on account of said companies; and of the desire of this House that the Senate appoint a like committee to co-operate with the said committee of this House in the discharge of its duties.

Resolved, further, That a copy of the resolutions on which the said House Committee was appointed, be herewith transmitted to the Senate.

The House refused to adopt the resolutions.

Mr. Smith of Greene, by leave, offered the following resolution;

Which was adopted:

Be it Resolved, That the hour for the meeting of the House,

after the adoption of this resolution, shall be 10 o'clock, a. m.

Mr. Hurt moved to reconsider the vote by which the House on yesterday concurred in the adverse report of the Judiciary Committee to the bill---

To repeal section 3519 of the Revised Code.

The House refused to reconsider.

Mr. Strobach, by leave, offered the following :

Joint resolution to provide for the sale of Smith's Alabama Reports by the Secretary of State;

Which was read the first, second and third times forthwith, and adopted.

Mr. Harmount moved that the call of the counties be suspended, to take up the Senate joint resolution relative to the appointment of a joint committee to investigate the condition of railroads, &c., in this State.

Mr. Strobach moved to amend the motion so as to take up the resolutions pending before the House on the same subject.

On motion of Mr. Boyd—

The whole subject was laid on the table.

On motion of Mr. Hewitt,

The call of the counties was suspended to allow committees to report.

Mr. Toulmin, from the Judiciary Committee, reported favorably to the bills—

To enable John Y. Kilpatrick, administrator of the estate of R. H. Kilpatrick, late of Monroe county, deceased, to sell either at public or private sale the residence and medical office owned by said deceased at the time of his death, and make title to the same;

To repeal an act to establish the Masonic Home of the county of Chambers ;

To repeal an act to establish a Mutual Aid Association, and to raise funds for the common school system ;

To repeal an act to relieve the disabilities of persons against whom a divorce from the bonds of matrimony has been decreed ;

To amend section 1316 of the Revised Code ;

To establish a chancery court for the county of Sanford ;

Which bills were severally read the third time forthwith.

Mr. Toulmin, from the same committee, reported a substitute for the bill—

To amend an act in relation to appeals from justices' courts ;

The substitute was adopted,
And the bill read the third time forthwith.

Mr. Green moved the indefinite postponement of the bill;
Lost.

On motion of Mr. Hewitt,

The vote by which the House ordered the bill to a third reading forthwith, and that by which the substitute was adopted, were reconsidered.

Mr. Taylor of Lauderdale moved to make it the special order for 12 o'clock, m. to-morrow;

Lost.

On motion of Mr. Semmes,

The bill and substitute were recommitted to the Judiciary Committee.

Mr. Toulmin, from same committee, recommended that the bill—

To make Mrs. J. Ward, wife of E. H. Ward, of Choctaw county, a free-dealer,

Be recommitted to the Committee on Local Legislation.

The House refused to concur in the recommendation.

The bill was read the third time forthwith and passed, and was ordered to the Senate.

Also, a like recommendation to the bill—

To invest Mrs. Ann C. Smith, of Pike county, with certain rights;

Which was concurred in,

And the bill was recommitted to the Committee on Local Legislation.

Also, adversely to the bill—

To repeal certain acts therein named;

To regulate the publication of legal notices in the county of Sanford;

To amend an act to amend section 1321 of the Revised Code of Alabama, and for other purposes, approved March 3, 1870.

The reports of the committee were concurred in.

Message from the Governor by Mr. Gindrat :

EXECUTIVE DEPARTMENT,
Montgomery, Jan. 24, 1871. }

Gentlemen of the House of Representatives :

I beg leave to submit for your examination and action the

annual report of the officers of the Alabama Insane Hospital for the year 1870.

The report, I am informed, has already been acted upon by the Senate. It is interesting and elaborate in its details, and the various suggestions and recommendations of the superintendent of the institution eminently deserving your consideration.

I also herewith transmit a partial report received at this office from J. W. Smith and W. H. Odiorne, inspectors of the penitentiary.

ROBERT B. LINDSAY.

Mr. Toulmin, from same committee, reported adversely to the bill—

To repeal an act to amend section 2931 of the Revised Code of Alabama.

Pending the report, the hour of twelve o'clock having arrived, the special order for this hour being the adverse report of the majority of the Judiciary Committee to the bill—

To repeal an act to amend section 2357 of the Revised Code, approved March 1, 1870.

Mr. Hewitt moved to lay the majority report on the table.

Mr. Haralson moved to adjourn ;

Lost.

The motion to lay on the table prevailed ;

Yeas 46, nays 42.

Those who voted yea are—

Messrs. Alley, Appleton, Bradford, Bullock, Callaway, Carmichael, Cochran, Cowan, Dustan, Ellison, Gilchrist, Grayson of Clark, Hamilton, Henderson, Henry, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, McCaskey, McDermott, Miller, Mooring, Murrah, Perrin, Rice, Semmes, Simms, Smith of Choctaw, Smith of Greene, Speake, St. Clair, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toomer, Toulmin, Weatherford and White---46.

Those who voted nay are—

Messrs. Speaker, Ashurst, Bassett, Benson, Black, Boyd, Bulger, Carlin, Clark. Craig, Curtis, Diggs, Doster, Dozier, Drake, Duskin, Etheridge, Gaskin, Gee, Grayson of Madison, Green, Haralson, Harmount, Hitchcock, Johnson of Dallas, King, Lindsay, Lowe, McCall, Marlowe, Moore, Nininger, Oates, Payne, Powell, Raisler, Smith of Sumter, Speed, Strobach, Thompson, Ware, and Williams—42.

Mr. Dustan, by leave, introduced a bill—

For the relief of Mrs. Adele Fournier, of Demopolis, Marengo conty, Alabama ;

Which was read the first and second times forthwith and referred to the Committee on Ways and Means.

Mr. Powell, from the Committee on Enrolled Bills, reported as correctly enrolled the bill—

For the relief of delinquent tax-payers.

On motion of Mr. Haralson,

The House adjourned till 10 o'clock to-morrow morning.

THURSDAY, January 26, 1871.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Payne.

Journal of yesterday read and approved.

Mr. Black, by leave, offered the following resolution :

Whereas, His Excellency R. B. Lindsay, Governor of Alabama, "has positively refused, and shall continue to refuse, unless empowered and required by future legislation of this General Assembly, to pay the interest due on the bonds of the Alabama and Chattanooga Railroad Company";

And whereas, such officially declared purpose of the Governor of Alabama is calculated to be construed "throughout christendom" that this State has voluntarily become, or is likely to continue a defaulter, and "recreant to her fame and faithless to her pledges," and thus sully her fair name, and throw doubt upon her capacity or violation to meet all her just obligations: Therefore be it,

Resolved by the House of Representatives, (the Senate concurring,) That this General Assembly will not consent to any repudiation or impairing of her legal obligations of whatever nature or character, whether improvidently or otherwise incurred by lawful authority, and will never consent that innocent parties or *bona fide* holders of her bonds shall suffer any loss on account thereof; but will promptly enact all needful laws that may become requisite to liquidate the same.

Mr. Strobach moved to postpone till the special Committee on the Alabama and Chattanooga and other railroads make their report.

Mr. Black moved to lay this motion on the table ;

Lost.

Mr. Hewitt moved to amend by having 100 copies printed ;
Lost.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has originated and adopted joint resolutions as herewith transmitted.

And has originated and passed bills of the following titles :

To prevent the monopoly of offices ;

To repeal an act entitled an act to enable certain officers to collect their fees ;

To authorize and require the probate judge, circuit clerk and other county officers for Baker county, to move the public records and papers to Clanton Station, on the S. and N. Alabama railroad, in Baker county ;

For the relief of James Clark and Beecher Campbell of the county of Barbour ;

To make Elizabeth A. Sherwood of Elmore county, wife of John J. Sherwood, a free-dealer ;

For the relief of Eldred S. Debardleben of Autauga county ;

For the relief of Oscar S. Shropshire of the county of Barbour ;

To change the name of Johngeine McMichael to Johngeine Curtis ;

To authorize Amanda S. Ham, the widow and relict of Michalberry Ham, to sell and convey by deed certain lands therein named ;

To authorize Mary E. Levie, widow and relict of James H. Levie, to sell and convey by deed certain lands therein named.

Respectfully,

M. P. BLUE,
Secretary.

Message from the Governor :

Mr. Speaker :

I am requested by his Excellency the Governor, to inform you that he has this day approved the following acts originating in the House of Representatives :

To authorize Theodore L. Guerry and William Harrison,

citizens of the State of Georgia, to qualify in Alabama as executors of the will of James Harrison, deceased ;

In relation to the Annual Alabama Conference of the Methodist Episcopal Church South ;

To amend section two of an act to incorporate the Alabama Fire Engine No. 2, approved Feb. 12, 1856 ;

To amend section 11, of an act entitled an act, to incorporate the town of Columbia, Henry county, Alabama, approved January 28, 1870 ;

To repeal an act to regulate the appointment of overseers and supervisors of public roads in the county of Henry ;

An act for the relief of delinquent tax payers.

JOHN H. GINDRAT,
Private Secretary.

The motion to postpone till the Special Committee reported, prevailed ;

Yeas 83, nays 9.

Those who voted yea are—

Messrs. Speaker, Alley, Appleton, Ashurst, Bassett, Benson, Box, Boyd, Bradford, Bulger, Bullock, Callaway, Carmichael, Clements, Cochran, Crook, Curtis, Doster, Dozier, Drake, Ellison, Etheridge, Gee, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Green, Gunn, Hamilton, Haralson, Henderson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Dallas, Johnson of Coosa, Kennedy, King, Leath, Lewis, Lindsay, McCall, McCaskey, McDermott, Mancill, Marlowe, Miller, Moore, Mooring, Murrah, Nininger, Oates, Payne, Perrin, Powell, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Speed, Steele, Strauss, Strobach, Taylor of Lauderdale, Taylor of Winston, Thompson, Toomer, Toulmin, Ware, Weatherford, Wells, White and Wyman--84.

Those who voted nay are—

Messrs. Black, Carlin, Clark, Diggs, Duskin, Dustan, Har-
mount, St. Clair and Williams—9.

Mr. Wyman, by leave, offered the following resolution :

Whereas, section 8th of an act entitled "An act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of rail-roads within the State," approved February 21, 1870, requires that the President of every railroad company which has received the endorsement

of the State, shall make semi-annual reports under oath to the Governor, until the completion of said road, setting forth fully the condition of the road and the company : Now, therefore,

Resolved, That His Excellency the Governor, be requested to lay before this House copies of all reports which have been made under the above named provision of the act aforesaid.

Mr. Strobach moved its reference to the Special Committee on railroads;

Lost.

The resolution was adopted.

On motion of Mr. Doster, the House took up the Senate bill—

To authorize and require the probate judge, circuit clerk, and other county officers for Baker county, to move the public records and papers to Clanton Station, on the South and North Alabama railroad, in Baker county ;

Which was read the first and second and third times, forthwith, and passed.

Mr. Moore, by leave, offered the following resolution ;

Which was adopted.

Resolved by the House, That the Speaker be authorized to certify to two days' pay to Patrick Doran as Door-keeper of this House, at the beginning of the present session.

On motion of Mr. Benson—

The joint resolution of the Senate, relative to the appointment of a joint Committee of the two Houses to examine into the condition of the State Prison, and report by bill or otherwise,

Was adopted.

Mr. Carlin, by leave, offered the following resolution :

WHEREAS, There are rumors prevailing to the effect that the sale of public swamp lands of the southern part of the State, at Mobile, by commissioners, was done illegally; therefore—

Be it resolved by the House of Representatives, (the Senate concurring,) That a committee of three be appointed by the Speaker, on the part of the House, and two be appointed by the President of the Senate, on the part of the Senate, to investigate these charges, and report by bill or otherwise; and that they be empowered to send for persons and papers.

Mr. Lewis moved to lay the resolution on the table ;

Lost.

The resolution was adopted.

Mr. Powell, from the Committee on Enrolled bills, reported the following bills, as correctly enrolled :

To relieve Wilson M. Cooper and Jane F. Arnold, of the disabilities of non-age ;

To incorporate the Lomax Fire Engine Company No. 4, of the city of Montgomery ;

To authorize the county treasurer of Jackson county, to pay the guards for prisoners of said county ;

To repeal an act to authorize the appointment of a guardian *ad litem* for each county ;

To legalize the location of the court-house of the county of Dale ;

For the relief of the poor of Dale county ;

Mr. Wyman moved that the Committee on Education be relieved from the further consideration of the resolution introduced at the early part of the session, relative to the investigation of the sale of swamp lands in this State.

The House refused to relieve the committee.

The hour of 12 o'clock having arrived—

Mr. Mancill moved to suspend the orders of the day, to call the counties ;

Lost.

Mr. Dustan moved that the House take from the table, the bill which was under consideration when the House adjourned on yesterday :

To repeal an act to amend section 2351 of the Revised Code of Alabama, approved March 1st 1870 ;

The bill was ordered to a third reading on to-morrow.

The adverse report of the Judiciary Committee to the bill,

To repeal an act to amend section 2931 of the Revised Code ;

Which was under consideration when the hour of 12 o'clock arrived on yesterday,

Was taken up and concurred in.

Mr. Oates, from the Judiciary Committee, to which was recommitted, with amendments, the bill

To restrict the sale of personal property in certain cases, Reported a substitute therefor, which was adopted.

Mr. Hewitt moved to amend, by adding the following section :

“ Section 2. Be it further enacted, That the solicitor shall

be entitled to a fee of fifteen dollars for each conviction under this act."

Lost.

The bill was read the third time forthwith and passed.

Mr. Toulmin, from same committee, reported favorably to the bill—

To abolish the county courts in this State.

Mr. McCall moved to amend by adding the following :

"Provided, That the provisions of this act shall not apply to Bullock county ;"

The amendment was adopted.

Mr. Dustan moved to amend by excepting Marengo county from the provisions of the bill.

On motion of Mr. Hewitt, the amendment was laid on the table ;

Yeas 53, nays 36.

Those who voted yea are—

Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Box, Boyd, Bradford, Bulger, Bullock, Callaway, Carmichael, Clements, Cowan, Crook, Etheridge, Gilchrist, Grayson of Clarke, Grayson of Madison, Gunn, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, McDermott, Miller, Mooring, Murrah, Oates, Powell, Raisler, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Toulmin, Ware, Weatherford, White and Wyman—53.

Those who voted nay are—

Messrs. Black, Carlin, Clark, Cochran, Curtis, Diggs, Dozier, Drake, Duskin, Dustan, Gaskin, Gee, Green, Hamilton, Haralson, Harmount, Henderson, Holmes of Sumter, Johnson of Dallas, King, McCall, McCaskey, Marlowe, Moore, Nininger, Payne, Perrin, Speed, St. Clair, Strobach, Taylor of Lauderdale, Taylor of Winston, Thompson, Toomer, Wells and Williams—36.

Mr. Harmount moved to lay the bill on the table ;

Lost ;

Yeas 27, nays 65.

Those who voted yea are---

Messrs. Black, Bullock, Carlin, Clark, Cochran, Curtis, Diggs, Dozier, Drake, Dustan, Gaskin, Gee, Green, Hamilton, Haralson, Harmount, Henderson, Johnson of Dallas, King, McCaskey, Marlowe, Nininger, Perrin, Speed, Thompson, Wells and Williams—27.

Those who voted nay are—

Messrs. Speaker, Alley, Appleton, Ashurst, Bassett, Benson, Box, Boyd, Bradford, Bulger, Callaway, Carmichael, Clements, Cowan, Crook, Duskin, Ellison, Etheridge, Gilchrist, Grayson of Clarke, Grayson of Madison, Gunn, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, McDermott, Mancill, Miller, Moore, Mooring, Murrah, Oates, Payne, Powell, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, St. Clair, Steele, Strauss, Strobach, Taylor of Lauderdale, Taylor of Winston, Toomer, Toulmin, Ware, Weatherford, White and Wyman—65.

Mr. Henderson moved to adjourn till 10 o'clock to-morrow.
Lost.

Mr. Perrin moved to amend by excepting Wilcox county from the provisions of the bill.

On motion of Mr. Lewis, the amendment was laid on the table.

The bill was read the third time forthwith and passed.

Message from the Senate by Mr. Whiting:

Mr. Speaker :

The Senate has originated and passed the following bills—

To provide for procuring the right of way for railroad companies in this State ;

For the relief of Elias J. Wallace of Perry county.

And has adopted a substitute for the House bill—

To increase the pay of grand and petit jurors in this State.

M. P. BLUE,
Secretary of Senate.

Leave of absence was granted to Messrs. Craig, Black, Haralson and McCall for two days each.

On motion of Mr. Haralson—

The House adjourned till to-morrow morning 10 o'clock.

FRIDAY, January 27, 1871.

House met pursuant to adjournment.

Prayer by the Rev. Dr. Petrie.

Journal of yesterday was read and approved.

On motion of Mr. Toomer, the Senate bill—

To provide for procuring the rights of way of railroad companies in this State ;

Was taken up, read the first and second times forthwith, and referred to the committee on Internal Improvements.

Mr. Moore, from the committee on Local Legislation, asked that the following bills, which were referred to said committee, be recommitted to the Judiciary Committee :

To regulate the trial of criminal cases in the circuit court of Dallas county ;

To empower Silas M. Putnam, of Cleburne county, to make titles to land to William M. Waits, of said county ;

For the relief of William M. Snider, of Tuskaloosa county ;

To authorize and empower William Griffin, administrator of the estate of Henry Griffin, deceased, formerly of DeKalb county, to sell the land, together with the widow's dower, belonging to said estate, at public or private sale, without an order from court ;

To regulate the time of holding the chancery court for the 4th district of the northern division ;

For the relief Sarah Shepardson, of Covington county.

The bills were referred to the Judiciary Committee.

Also, asked the reference of the following bill and accompanying petition to the committee on Internal Improvements ;

Which was granted :

To allow the collection of tolls, and for other purposes, to John J. Delchamps, of Mobile county.

Also, a recommitment of the following Bill to the committee on Education ;

Which was granted :

To authorize the Governor to issue a patent to D. D. Gibson and J. W. Bibb, administrators of the estate of James M. Freeman, deceased.

On motion of Mr. Strobach, the Senate substitute for the House bill—

To increase the pay of grand and petit jurors in this State,

Was adopted, and the Clerk was instructed to notify the Senate at once.

Mr. Speaker announced that he had appointed Messrs. Benson, Crook, Callaway, Hurt, Ashurst, Mancill, Rice, Powell and Thompson, as a committee on the Penitentiary on the part of the House, to act with the Senate committee.

Also, that he had appointed Messrs. Bulger, Ellison and Lowe as the committee on the part of the House to investigate the alleged frauds in the sale of swamp lands in this State.

On motion of Mr. Hewitt, the substitute of the Judiciary Committee to the bill—

To declare the effect of judicial proceedings in this State during the late civil war,

Was adopted.

Mr. Strobach offered the following amendment :

Provided, That all judgments rendered in any of the courts of this State against defendants, when the consideration was for the purchase money or hire of a slave, or slaves, are hereby declared to be null and void.

On motion of Mr. Hewitt—

The amendment was laid on the table.

Mr. Bradford offered the following amendment ;

Which the House refused to adopt :

Provided further, That there was neither fraud nor bad faith on the part of any party to any judicial proceeding referred to in this act ; and in case there was such fraud or bad faith in such proceeding, the chancery court shall have power to revise such proceeding, on bill filed for that purpose, within twelve months from the passage of this act, by any party interested, and make such decree in the premises as may comport with the existing rules and practice in chancery in other cases of fraud.

Mr. Wyman offered to amend as follows :

Provided further, That no right that may have accrued before the passage of this act, shall be thereby invalidated.

On motion of Mr. Lewis—

The amendment was laid on the table.

Mr. Smith of Choctaw moved to amend as follows :

Provided, That this act shall in no wise affect any suits now pending in this State.

On motion of Mr. Hewitt—

The amendment was laid on the table.

On motion of Mr. Hewitt—

The previous question was ordered, and the bill was read the third time forthwith and passed, and was ordered to the Senate.

Mr. Murrah, by leave, offered the following resolution :

Which was adopted :

Resolved, That the Clerk be authorized to employ such assistant clerks, from time to time, as may be necessary for the dispatch of the business of this House.

Mr. Hewitt moved that the call of the counties be suspended to allow committees to report.

Lost.

CALL OF THE COUNTIES.

Bills were introduced by

Mr. Holmes of Baldwin—

To require the bonded officers of Baldwin county to give as their bondsmen persons living in the county of Baldwin.

Mr. Powell—

To amend section 96 of an act entitled An act to regulate elections in this State, approved October 8, 1868.

Also—

To authorize A. B. Peacock, administrator *de bonis non* of the estate of Edward P. Brooks, late of Butler county, deceased, to sell certain lands belonging to said estate, at private sale.

Also---

To regulate the duties of the circuit judges and chancellors of this State.

Mr. Crook—

To repeal section 2661, and to amend sections 2660, 2662, 2664, (chapter 9, title 1, part 3,) and section 2772, (chapter 14, title 1, part 3,) of the Revised Code.

Also---

To legalize the marriage ceremony between J. P. Allsop and Amand J. Pike, of the county of Calhoun.

Also---

To amend section 10 of an act entitled An act to provide for the registration of electors, approved October 5, 1868.

Mr. Grayson of Clarke—

To repeal an act to relieve disabilities of persons against whom a divorce from the bonds of matrimony has been decreed, approved February 7, 1870 ;

Which bills were read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Holmes of Baldwin—

To divide Baldwin county into four commissioners' districts.

By Mr. Payne---

For the relief of Margaret Murphee, of Blount county, from the disabilities of minority.

By Mr. Crook---

To make Clarinda Alexander, wife of T. J. Alexander, of Calhoun county, a free dealer.

Also---

To make Charlotte Thompson Rogers, of Montgomery county, a free dealer ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

By Mr. Clark---

To allow the sheriff of Barbour county to collect his fees for conveying prisoners upon an order of the circuit court of said county, and upon an order of the city court at Eufaula, transferring prisoners to and from Clayton and Eufaula, in said county.

Which was read the first and second times forthwith, and referred to the Committee on Fees and Salaries.

By Mr. Smitherman—

To incorporate the trustees of the Presbytery of South Alabama ;

By Mr. Payne—

To prohibit the sale of spirituous, vinous, or malt liquors, in or within three miles of Blountsville, Blount county ;

Also—

To prohibit the sale, making, or giving away of spirituous liquors within two miles of Chalybeate Academy ;

Also---

To prohibit the sale, making, or giving away of spirituous, vinous, or malt liquors, in one mile of the school house, located at Walnut Grove, Etowah county ;

Which were severally read the first and second times forthwith and referred to Corporations.

Mr. Payne—

To declare Lewis P. French, a liner between the counties of Blount and Marshall, a citizen of Blount ;

Which was read the first and second times forthwith and referred to the Committee on Counties and County Boundaries.

By Mr. Payne—

To amend an act entitled an act to legalize an election held on the 4th and 5th days of February, 1868 ;

Which was read the first and second times and referred to the Committee on Privileges and Elections ;

By Mr. Speed—

To prohibit the game known and styled, as “the old lady, the baby and the star ;”

Which was read the first and second times forthwith.

On motion of Mr. Bulger, it was laid on the table.

Also---

To protect railroads in this State ;

Which was read the first and second times forthwith, and referred to the Committee on Internal Improvements.

By Mr. Powell—

To amend section 1282 of the Revised Code of Alabama ;

Which was read the first and second times forthwith, and referred to the Committee on Agriculture and Commerce ;

By Mr. Crook—

To amend section 2408 of the Revised Code of Alabama ;

Also--

Explanatory of section 4343 of the Revised Code ;

Which was read the first and second times forthwith, and referred to the Committee on Revision of Laws.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has originated and passed the following bills :

To amend an act to incorporate the town of Linden in Marengo county, approved 21st March, 1870 ;

To amend an act to establish a new charter for the city of Selma, and an act amendatory thereof ;

To repeal an act entitled an act to incorporate the town of Mount Andrew, in the county of Barbour ;

To restrict the county commissioners of the counties of Cherokee and Calhoun, in levying the county tax for said counties.

To declare Catherine Amelia Minnis, wife of John A. Min-

nis of the city of Montgomery, and Mrs. B. G. Jackson of Marengo county, State of Alabama, free-dealers.

Respectfully,

M. P. BLUE,
Secretary of the Senate.

By Mr. Ware—

To change the time of electing justices of the peace and constables in this State ;

Which was read the first and second times forthwith.

Mr. Strobach moved to lay the bill on the table ;

Lost.

Mr. Cochran moved to amend so as to include tax collectors and assessors in each county ;

Lost.

Mr. White offered a substitute for the bill with the following title :

To amend and repeal section eight (8) of an act entitled An act to regulate elections in this State, approved October 8, 1868 ;

The substitute was adopted and referred to the Judiciary Committee.

By Mr. White—

To amend and repeal section 59 of an act entitled An act to establish revenue laws for the State of Alabama, approved December 31, 1868 ;

Also---

To amend and repeal section 41 of an act entitled An act to establish revenue laws for the State of Alabama, approved December 31, 1868 ;

Which was read the first and second times forthwith, and referred to the Committee on Ways and Means.

Mr. Powell, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To incorporate the Eufaula Hook and Ladder Company.

Mr. White introduced a bill—

To define and limit the law in regard to mileage of members of the General Assembly ;

Which was read the first and second times forthwith.

Mr. Hewitt offered the following as a substitute :

A bill—

To fix and regulate the mileage of the members of the General Assembly ;

The substitute was adopted.

Mr. Bulger moved to amend as follows :

“Provided, That this act shall only apply to the counties of Jefferson and Clay” ;

Pending the consideration of the amendment, the hour of 12 o'clock having arrived, the

ORDERS OF THE DAY

Were taken up.

The Senate amendment to the House bill—

For the relief of citizens who are exempted on account of age from serving on juries;

Was concurred in, and the clerk instructed to notify the Senate.

The bill—

To protect the rights of innocent purchasers in certain cases ;

Was read the third time.

On motion of Mr. Moore,

It was recommitted to the Judiciary Committee.

The bill—

To repeal an act entitled An act for the relief of laborers and employees ;

Was read the third time and lost.

On motion of Mr. Lowe, the vote by which the bill was lost was reconsidered,

And the bill passed.

The bills—

To repeal an act entitled An act for the suppression of secret organizations of men, disguising themselves for the purpose of committing crimes and outrages, approved December 26, 1868 ;

To repeal an act entitled An act to amend section 2351 of the Revised Code of Alabama, approved March 1, 1870 ;

Were read the third time and passed, and the last mentioned was ordered forthwith to the Senate.

The adverse report of the Committee on the Judiciary to the bill,

To amend section 1283 of the Revised Code of Alabama ;
Was concurred in.

The bill—

For the relief of persons against whom a divorce has been obtained ;

Was referred to the Judiciary Committee.

The bill—

To compel county officers to reside at their respective county sites,

Was taken up.

On motion of Mr. Hewitt, the provisions of the bill were made applicable to Jackson county alone.

The bill, as amended, was referred to the Committee on Local Legislation.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has originated and passed the following bill :

To amend an act to incorporate the Cornwall Iron Works Company, and to grant said Company certain privileges therein specified.

The Senate has passed House bills as follows :

To authorize the Commissioners' Court of Winston county to levy a special tax to build a Court House and jail.

To repeal section nine (9) of an act to reorganize the Municipal Government of the city of Mobile, and to provide for the election of the officers thereof.

M. P. BLUE,
Secretary of Senate.

The bill—

To amend section 13 of an act entitled An act for the government of the Bureau of Industrial Resources, approved August 12th, 1868 ;

Was read the 2d time and referred to the Committee on Industrial Resources.

The bills—

To create a new Judicial Circuit, to be known and designated as the 13th Judicial Circuit of Alabama ;

To establish the 13th Judicial Circuit of Alabama ;

Were each read the 2d time and referred to the Judiciary Committee.

Mr. Lewis, by leave, offered the following resolution, which was referred to the Judiciary Committee, with the last mentioned bills on the subject :

Resolved, That if the Judiciary Committee find that it is expedient to establish the 13th Judicial Circuit, that they be

instructed to do so by making a new division of Circuits throughout the entire State, if practicable so to do.

On motion of Mr. Oates, the bill—

To exempt certain property from levy and sale ;

Was taken from the table, read the 2d time and referred, with several amendments offered by Messrs. Toulmin and Bulger, to the Judiciary Committee.

The bill—

To authorize the issuance of Bonds by the Tallassee Manufacturing Company, Number one ;

Was, on motion of Mr. Moore, laid on the table.

Mr. Haralson moved to adjourn till 10 o'clock to-morrow morning.

Lost.

The Governor's message, relative to the report of the officers of the Alabama Insane Hospital, was referred to the joint committee of the two Houses, appointed to examine and report the condition of this Institution.

That part of the message relative to the Penitentiary, was referred, with the report of the Inspectors, to a joint committee of the two Houses appointed to examine into and report the condition of this Institution.

Mr. Haralson moved to adjourn.

Lost.

The Senate bill—

To amend an act to amend an act entitled An act to establish a new Charter for the city of Selma, approved December 4th, 1868, which amending act was approved December 31st, 1868 ;

Was read the 2d time.

Mr. Marlowe moved the indefinite postponement of the bill.

On motion of Mr. Harmount, the bill was laid on the table.

On motion of Mr. Alley, the House adjourned till to-morrow morning 10 o'clock.

SATURDAY, January 28, 1871.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Petrie.

Journal of yesterday was read and approved.

Leave of absence was granted Messrs. Simms, Davis and Dozier for one day each, and Messrs. Ware and Gaskin for two days each.

Mr. Strobach gave notice that he would make a motion on to-morrow to amend Rule 44, by adding, "That no debate shall be allowed or a motion to suspend the order of business, as prescribed in Rule 26."

Mr. Powell, from the committee on Enrolled Bills, reported the following as properly enrolled :

An act for the relief of citizens who are exempted on account of age from serving on juries ;

An act to increase the pay of Grand and Petit Jurors in this State.

Mr. Hewitt moved to suspend the call of counties to allow committees to report.

Lost.

On motion of Mr. White, the bill—

To fix and regulate the mileage of members of the General Assembly ;

Which was pending when the hour of 12 o'clock arrived on yesterday, was taken up.

The House refused to adopt the amendment offered by Mr. Bulger.

The bill was referred to the Committee on Fees and Salaries.

Message from the Senate by Mr. Whiting.

Mr. Speaker :

The Senate has passed House bills as follows :

To repeal an act entitled An act to establish the Masonic Home in the County of Chambers.

To enable John Y. Kilpatrick, administrator of the estate of R. H. Kilpatrick, late of Monroe county, deceased, to sell, either at public or private sale, the residence and medical office owned by said deceased, at the time of his death, and make title to the same.

To prohibit the sale, or otherwise disposing of, spirituous, vinous or malt liquors, within one mile of the Court House, in the town of Ashville, in the County of St. Clair.

To make Mrs. Sarah J. Ward, wife of E. H. Ward, of Choctaw county, Ala., a free dealer.

And has originated and adopted Joint Resolution, as herewith transmitted.

M. P. BLUE.
Secretary of Senate.

CALL OF THE COUNTIES.

Bills were introduced

By Mr. Leath—

For the relief of J. H. Campbell, of Cherokee county, and J. W. Duncan, of DeKalb county, teachers of free public schools, taught in DeKalb county.

By Mr. Moore—

To authorize the Secretary of State to issue a patent to 16th section land to Hugh Windham, of Coffee county.

By Mr. Mancill—

For the relief of Nancy Wiggins, of Covington county ;

Which were read the 1st and 2d times forthwith and referred to the Committee on Education.

By Mr. Smith, of Choctaw—

In relation to the official bonds of county officers;

Also—

To provide a remedy for the negligence of steamboats, and other water-craft navigating the public highways in Alabama.

By Mr. Johnson, of Coosa, (with petition)---

To enable the administrator, with the will annexed, of the estate of W. W. Richardson, late of Coosa county, deceased, to sell certain lands therein named.

By Mr. Marlowe---

To amend an act entitled an act to provide for the establishment of a criminal court for Dallas county ;

Also (with petition)—

To enable Elizabeth H. Tipton, of Dallas county, to sell lots and lay off streets in the city of Selma ;

By Mr. Cochran—

To regulate appeals from the mayor's court of the city of Selma ;

By Mr. Marlowe—

To amend sections 3 and 13 of an act entitled an act to establish a criminal court for the county of Dallas ;

By Mr. Benson (with a petition)—

To authorize Jane Macon, of Elmore county, to sell the land belonging to her deceased husband's estate ;

Which were severally read the first and second times forthwith and referred to the Judiciary Committee.

By Mr. Smith of Choctaw (with memorial)—

To prevent the sale of spirituous liquors within two miles of the town of Pushmataha, in Choctaw county ;

By Mr. Moore—

To authorize Temperance Faircloth to sell lands belonging to James Floyd Faircloth, deceased ;

Also—

To authorize Catharine Harper to sell a certain piece of land ;

Also—

To authorize Eliza C. Bradley to sell certain lands in Coffee county ;

By Mr. Marlowe—

To relieve John McKee, of Dallas county, of the disabilities of non-age ;

By Mr. Appleton (with petition)—

To authorize the commissioners court of DeKalb county to levy a special tax on the tax-payers of said county for a certain purpose ;

Which bills were severally read the first and second times forthwith and referred to the Committee on Local Legislation.

By Mr. Smith of Choctaw—

To amend section 2704 of the Revised Code ;

By Mr. Howell—

To repeal sections 28 and 29 of the Revised Code of Alabama ;

By Mr. Marlowe—

To repeal chapter 4, title 6, part 2, of the Revised Code of Alabama ;

By Mr. Steele—

To amend section 2409 of the Revised Code of Alabama ;

Which were read the first and second times forthwith and referred to the Committee on Revision of the Laws.

By Mr. Smith of Choctaw—

To repeal an act to increase the *ex-officio* pay of the sheriff of Choctaw county ;

Also—

To decrease the pay of the members of the commissioners court of Choctaw county ;

By Mr. Marlowe—

To prescribe solicitors' fees in certain cases ;

Which were severally read the first and second times forthwith and referred to the Committee on Fees and Salaries.

By Mr. Smith of Choctaw—

To amend section 4 of an act to establish revenue laws for the State of Alabama, approved December 31, 1868 ;

By Mr. Haralson—

To amend an act establishing revenue laws of Alabama :

Which were severally read the first and second times forthwith and referred to the Committee on Ways and Means.

By Mr. Smith of Choctaw (with petition)—

To incorporate the trustees of the Male and Female Seminary, at Mount Sterling, Alabama ;

Also—

To amend an act to incorporate the Red Mountain Iron and Coal Company ;

By Mr. Callaway—

To prevent the sale of spirituous liquors within one mile of Salem Methodist Church and Good Hope Baptist, near the county line between Covington and Crenshaw ;

By Mr. Carmichael—

A petition for the incorporation of the town of Newton ;

By Mr. Marlowe—

To amend an act to incorporate the Rock and Lignite Oil Company of Alabama ;

Also—

To amend an act incorporating the Cahaba Coal Company ;

By Mr. Cochran—

To carry into effect section 5 of article 13 of the constitution of Alabama, and provide modes of procedure for the same ;

By Mr. Appleton (with petition)—

To prohibit the sale of spirituous liquors within two miles of Brandon Station, on the Alabama & Chattanooga Railroad ;

Which were severally read the first and second times forthwith and referred to the Committee on Corporations.

By Mr. Howell—

To prevent malicious prosecutions in Cleburne county, Alabama ;

Which was read the first and second times forthwith.

Mr. Strobach moved to amend by making the provisions of the bill applicable to Montgomery county.

On motion of Mr. Boyd,

The bill and amendment were laid on the table.

By Mr. Moore—

To amend an act to declare Wm. Russell, of Geneva county, a liner between said county and Coffee, a citizen of Coffee, approved March 3, 1870 ;

Which was read the first, second and third times forthwith

and passed by a vote of eighty-one members, no one voting in the negative.

By Mr. Moore—

To admit opium-eaters and confirmed inebriates into the Insane Asylum at Tuscaloosa ;

Which was read the first and second times forthwith and referred to the joint committee of the two Houses on the Insane Asylum.

By Mr. Carmichael—

To amend and repeal section 11 of an act entitled an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State, approved February 21, 1870 ;

By Mr. Cochran—

To improve and develop the system of internal improvements in the State of Alabama ;

By Mr. Haralson—

To repeal an act entitled an act to release the Tennessee & Coosa Rivers Railroad Company from its indebtedness to the State of Alabama ;

Which were severally read the first and second times forthwith and referred to the Committee on Internal Improvements.

By Mr. Cochran—

To enable hotel keepers to furnish liquors and wines to their guests and visitors ;

Which was read the first and second times forthwith.

Mr. Bulger offered the following amendment :

“ Provided, That he shall so furnish all wines and liquors demanded by his guests free of charge ;”

Adopted.

The bill was referred to the Military Committee.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has originated and passed bills as follows :

To provide for the permanent location of the court-house of Marengo county, and to remove said court-house from Demopolis to Linden, in said county ;

To prevent camp hunting in the counties of Coosa and Clay.

M. P. BLUE,
Secretary of Senate.

By Mr. Cochran—

Requiring the tax assessor and collector of Dallas county to reside at the county site ;

Which was read the first and second times forthwith.

On motion of Mr. Haralson,

It was laid on the table.

By Mr. Johnson of Dallas—

For the relief of Giles Hunter, of Dallas county ;

Which was read the first time.

On motion of Mr. Strobach,

It was indefinitely postponed.

By Mr. Appleton, (with petition)---

For the relief of Fayette F. Reed, of Etowah county ;

Which was read the first and second times forthwith, and referred to the Committee on Accounts and Claims.

Also, (with petition)—

To change and establish the line between the counties of Cherokee and DeKalb ;

Which were severally read the first and second times under a suspension of the constitutional rule, and referred to the Committee on Counties and County Boundaries.

The hour of 12 o'clock having arrived,

Mr. Dustan moved to postpone the orders of the day to continue the call of the counties.

Lost.

ORDERS OF THE DAY.

The Senate bills—

To prevent the monopoly of offices ;

For the relief of Oscar L. Shropshire, of the county of Barbour ;

To authorize Amanda L. Ham, the widow and relict of Micalberry Ham, to sell and convey by deed certain lands therein named ;

To authorize Mary E. Levie, widow and relict of James H. Levie, to sell and convey by deed certain lands therein named ;

Were severally read the first and second times and referred to the Judiciary Committee.

The Senate bills—

To repeal an act entitled An act to enable certain officers to collect their fees ;

To amend an act to incorporate the town of Linden, in Marengo county, approved March 1, 1870 ;

Were severally read the first, second and third times forthwith, and passed.

The Senate bills—

For the relief of James H. Clark and Beecher Campbell, of the county of Barbour ;

To make Elizabeth A. Sherwood, of Elmore county, wife of John J. Sherwood, a free dealer ;

For the relief of Eldred S. Debardelaben, of Autauga county ;

To change the name of Johngeline McMichael to Johngeline Curtis ;

For the relief of Elias J. Wallace ;

To declare Catherine Amelia Minnis, wife of John A. Minnis, of Montgomery county, and Mrs. P. G. Jackson, of Marengo county, free dealers ;

To prevent camp-hunting in the counties of Coosa and Clay ;

To provide for the permanent location of the court house of Marengo county, and to remove the court house from Demopolis to Linden, in said county ;

Were severally read the first and second times forthwith, and referred to the committee on Local Legislation.

The Senate bills—

To amend an act to establish a new charter for the city of Selma, and an act amendatory thereof ;

Was read the first and second times forthwith, and referred to the committee on Education.

The Senate bills—

To repeal an act entitled An act to incorporate the town of Mount Andrew, in the county of Barbour ;

To amend an act to incorporate the Cornwall Iron Works Company, and to grant to said company certain privileges therein specified ;

Were read the first and second times forthwith, and referred to the committee on Corporations.

The Senate bill—

To restrict the county court commissioners of the counties of Cherokee and Calhoun in levying the county taxes in said counties ;

Was read the first and second times forthwith, and referred to the committee on Ways and Means.

The Senate joint resolution relative to adjournment on the 15th of February, proximo, was,

On motion of Mr. Hewitt, postponed until the 14th of February next.

On motion of Mr. Strobach—

The Senate joint resolution relative to the appointment of a joint committee to examine into the financial condition of the several railroads which have received the endorsement of the State on their bonds, or have received bonds issued by the State, &c.;

Was taken from the table.

On motion of Mr. Oates—

It was made the special order for Monday next, 12 m.

The Speaker announced that he had appointed Messrs. Wyman, Bullock, Carlin, Murrah and Speake, as the joint committee on the part of the House, on the Insane Asylu m.

Message from the Senate, by Mr. Whiting :

Mr. Speaker :

The Senate has amended, as therein shown, and passed, House bills as follows :

To establish a charter for the town of Elyton, in Jefferson county ;

To incorporate the town of Pickensville, in the county of Pickens.

M. P. BLUE,
Secretary of Senate.

The Senate amendments to the House bills—

To establish a charter for the town of Elyton, in Jefferson county ;

To incorporate the town of Pickensville, in the county of Pickens ;

Were concurred in.

Message from the Senate, by Mr. Whiting :

Mr. Speaker :

The Senate has concurred in the House joint resolution in relation to the sale of swamp lands, as herewith transmitted.

M. P. BLUE,
Secretary of Senate.

Mr. Oates, from the Judiciary Committee, reported favorably, with amendments, to the bill—

To prevent slander, defamation, and the use of obscene and opprobrious language in certain places.

Amend by changing the title of the bill so that it will read—

“An act to prevent slander and defamation.”

Also, amend by striking out the 2d, 3d and 6th sections of the bill, and by striking out the words, “either one of the preceding sections of,” in second and third lines of section 4.

The amendments were adopted, the bill read the third time forthwith, and passed.

Mr. Oates, from the committee on Ways and Means, reported adversely to the following bills:

To regulate appropriations made by commissioners' courts;

To the petition of citizens of Tuscaloosa, praying for an extension of the time for collecting ten per cent. on delinquent taxes;

To regulate the collection of taxes in Washington county;

For the relief of H. H. Hopkins, of Jackson county;

To repeal an act therein named;

To regulate the rate of taxation in the State of Alabama.

The reports of the committee were severally concurred in.

Also, favorably to the bills—

To consolidate the offices of tax collector and assessor in the county of Walker;

To repeal the 2d subdivision of section 77 of the Revised Code;

Which were severally read the third time and passed.

Also, favorably to the bill—

To amend section 16 of an act entitled An act for the government of the bureau of Industrial Resources, approved August 12, 1868.

On motion of Mr. Oates—

The bill was laid on the table.

Also, favorably, with an amendment, to the bill---

To legalize the tax sales of real estate made in Winston county.

Amend as follows:

“Provided, That the owners of said lands, sold as aforesaid, shall have two years from and after the passage of this act within which to redeem said lands, according to law”;

The amendment was adopted; the bill was read the third time and passed, and was ordered forthwith to the Senate.

Mr. Lewis, from the Judiciary Committee, reported a substitute for the joint resolution, authorizing the continuation and purchase of Smith's Condensed Reports.

Mr. Taylor, of Lauderdale, moved to lay the joint resolution and substitute on the table;

Lost.

Yeas 27, nays 44.

Those who voted yea are—

Messrs. Speaker, Appleton, Boyd, Bradford, Callaway, Carmichael, Curtis, Gilchrist, Grayson of Clarke, Grayson of Madison, Haralson, Hewitt, Hitchcock, Holmes of Baldwin, Howell, Hurt, Johnson of Coosa, Leath, Payne, Raisler, Semmes, Smith of Sumter, Speake, Steele, Taylor of Lauderdale, Weatherford, and White—27.

Those who voted nay are—

Messrs. Box, Bulger, Bullock, Carlin, Clark, Clements, Crook, Diggs, Doster, Dozier, Drake, Duskin, Dustan, Gee, Green, Henderson, Henry, Hodo, Holmes of Sumter, Johnson of Dallas, King, Lewis, Lindsay, Lowe, McCaskey, Mancill, Miller, Moore, Nininger, Oates, Perrin, Powell, Rice, Smith of Choctaw, Smith of Greene, Smitherman, St. Clair, Strobach, Taylor of Winston, Thompson, Toulmin, Wells, Williams and Wyman---44.

On motion of Mr. Hewitt,

The joint resolution, with the substitute, was recommitted to the Judiciary Committee.

Bills were introduced, by leave,

By Mr. Strauss—

To authorize the corporate authorities, of the city of Mobile, to issue bonds to the amount of four hundred thousand dollars.

By Mr. Crook—

To raise revenue for State and county purposes ;

Which were severally read the first and second times forthwith, and referred to the Committee on Ways and Means.

By Mr. Smith of Greene, by leave—

Joint resolution, in relation to the removal of the national capital ;

Which was read, and referred to the Committee on Federal Relations.

By Mr. Lowe, by leave, a bill, with statement and affidavit—

To relieve Joseph P. Doyle, sheriff of Madison county ;

Which was read the first and second times forthwith, and referred to the Judiciary Committee.

Mr. Oates, by leave, offered the following resolution:

Which was adopted;

Resolved, That the Committee on Ways and Means be, and are hereby authorized to employ a clerk, to be paid for the time he is actually employed by said committee.

Mr. Duskin, by leave, introduced a bill—

To repeal subdivision 23 of an act entitled An act to establish revenue laws for the State of Alabama, approved December 31, 1868;

Which was read the first time.

On motion of Mr. Hewitt,

The House adjourned till Monday morning 10 o'clock.

MONDAY, January 30, 1871.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Gwinn.

Journal of Saturday was read and approved.

On motion of Mr. Murrah, the House reconsidered its action on the Senate bill,

To repeal an act entitled An act to enable certain officers to collect their fees;

And the bill having been sent by mistake from the Senate, was returned to the same.

Mr. Oates, from the Committee on Ways and Means, reported favorably to the passage of the bill,

To provide for the support of the Freedmen's Hospital, located at Talladega, Alabama.

Mr. Toomer moved to recommit the bill, with certain instructions.

On motion of Mr. Henderson,

The motion to recommit was laid on the table;

The bill was read the third time and passed,

Yeas 61, nays 25.

Those who voted for the passage of the bill, are---

Messrs. Speaker, Alley, Benson, Black, Box, Bradford, Bullock, Carlin, Carmichael, Clark, Clements, Craig, Crook, Curtis, Diggs, Doster, Drake, Duskin, Dustan, Etheridge, Gee, Graham, Grayson of Clark, Grayson of Madison, Green, Haralson, Harmount, Henderson, Henry, Hitchcock, Hodo, Howell, Johnson of Dallas, King, Lewis, McCall, McCaskey, Marlowe, Moore, Mooring, Murrah, Nininger, Oates, Perrin,

Rice, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, St. Clair, Steele, Strauss, Strobach, Taylor of Lauderdale, Taylor of Winston, Thompson, Weatherford, Wells, White, Williams and Wyman—61.

Those who voted nay are—

Messrs. Appleton, Ashurst, Bassett, Boyd, Bulger, Cowan, Davis, Ellison, Gunn, Hamilton, Hewitt, Holmes of Baldwin, Hurt, Johnson of Coosa, Kennedy, Leath, Lindsay, Lowe, McDermott, Miller, Payne, Raisler Speake, Toomer and Toulmin—25.

Mr. Oates, from the same committee, reported favorably to House and Senate bills—

To authorize the corporate authorities, of the city of Mobile, to issue bonds to the amount of four hundred thousand dollars ;

To authorize the court of county commissioners of Walker county, to levy a special tax for the purpose of liquidating all the county indebtedness which has accrued since the war, and is unpaid up to the first day of September, 1871 ;

Which were severally read the third time forthwith and passed.

Mr. Moore offered the following resolution ;

Which was adopted :

Be it resolved, That a special committee, composed of one from each judicial circuit, to be appointed by the Speaker, to take in consideration the subject of the maintenance of the poor of the State, and to report by bill, or otherwise, at the earliest moment practicable, the most economical and possible plan of doing so, in compliance with section 34, article 4 of the constitution.

Bills were introduced—

By Mr. Steele—

To amend sections 1898 and 1901 of the Revised Code of Alabama ;

Which was read the first and second times forthwith and referred to the Committee on Revision of the Laws.

By Mr. Bullock—

To relieve William Watson McAlpine, and William N. McIntosh, of the disabilities of non-age ;

Which was read the first and second times forthwith and referred to the Committee on Local Legislation ;

Also---

To amend section 2347 of the Revised Code of Alabama ;

Which was read the first and second times forthwith and referred to the Committee on Fees and Salaries.

Also---

To protect employers in advances made to agricultural laborers and employees ;

Which was read the first and second times forthwith and referred to the Committee on Agriculture and Commerce.

The hour of 12 o'clock having arrived, and the special order for this hour being the consideration of the Senate joint resolution relative to the investigation of the liability of the State of Alabama, on account of bonds loaned to, and endorsed for, railroad companies ;

On motion of Mr. Strobach, it was postponed and made the special order for to-morrow 12 o'clock, m.

Mr. Strobach offered the following resolution ;

Which the House refused to adopt :

Resolved, That the rule 44 of this House, which reads as follows : "The order of business prescribed in rule 26, shall not be suspended unless four-fifths of the House vote therefor," be amended, by adding after the word "therefor," "and no debate shall be allowed on the question to suspend the regular order of business."

The bill under consideration when the House adjourned on Saturday,

To repeal subdivision 23, of section 6, of an act entitled An act to establish revenue laws for the State of Alabama, approved December 31, 1868 ;

Was read the second time and referred to the Committee on Ways and Means.

Mr. Lewis, from the Committee on Corporations, reported favorably to the following bills :

To amend an act entitled An act to incorporate the Florence Wesleyan University, passed February 14, 1856 ;

To establish a new charter for the town of Athens, in the county of Limestone ;

To relieve the Mobile Exchange and General Insurance Company from the forfeiture of its charter ;

To incorporate the town of Rutledge ;

To amend an act to incorporate the Protestant Episcopal Church in the Diocese of Alabama, and to enable said church to provide for the orphans and widows of soldiers and other destitute persons ;

Senate bill—

To amend an act entitled an act to incorporate the town of Mumford, in the county of Talladega;

Senate bill—

To repeal an act entitled an act to incorporate Fort Browder Male Academy, in Barbour county;

Which were severally read the third time forthwith and passed.

Also, favorably, with amendment, to the bill—

To confer certain powers upon the mayor and common council of the city of Mobile;

Amend by adding this proviso:

“Provided, That no offender shall be sentenced to such labor for a longer period than thirty days.”

The amendment was adopted,

And the bill read the third time and passed.

Also, adversely to the bill—

To amend section 9 of an act entitled an act to establish a new charter for the city of Selma, approved December 4, 1868.

The report was concurred in.

Message from the Senate by Mr. Whiting:

Mr. Speaker:

The Senate has passed the following House bills:

To repeal an act, approved February 7, 1870, to authorize the commissioners courts of Sumter, Perry and Greene counties to levy a special tax upon the property in said counties for the purpose of working the public roads in said counties;

To repeal an act entitled an act to prevent camp hunting in Marion county, approved February 7, 1870.

Respectfully,

M. P. BLUE,

Secretary of the Senate.

Mr. Wyman, from the Committee on Education, reported favorably, with amendment, to the bill—

To authorize the Governor to receive the land-scrip granted to this State by the act of Congress, approved July 2, 1862, entitled “An act donating public lands to the several States and Territories, which may provide colleges for the benefit of agriculture and the mechanic arts,” and the act supplementary thereto, and to provide for the sale of said land-scrip and the secure investment of the proceeds of such sale.

Amend the second section by striking out the words, "or of the States or in some other safe stocks," and inserting "or of the State of Alabama."

Amend section 8 by striking out the words "or in some other safe stocks."

The amendments were adopted,

And the bill read a third time forthwith and passed.

Also, asked to be relieved from further consideration of the resolution and memorial referred to the committee asking relief for the teachers of Etowah and Calhoun counties, who have been teaching the public schools of said counties.

The committee was relieved.

Also, favorably, with amendment, to the bill—

To facilitate the collection of the educational fund in this State.

Amend by inserting after the words "in each year," "and must continue to deposit with the county superintendent thereafter monthly, until his time of final settlement, or until he shall have the full amount certified by the Superintendent of Public Instruction to be due such county."

The amendment was adopted,

And the bill read a third time forthwith.

On motion of Mr. Moore,

It was recommitted to the Committee on Education.

Also, favorably to the bill—

To amend section 429 of the Revised Code of Alabama;

Which was read the third time forthwith and passed.

Mr. Smith of Sumter, from the Committee on Privileges and Elections, reported—

That they had had the charges against W. D. Bulger under consideration, and that if the evidence were substantiated, would render him constitutionally ineligible to the office of Representative of the General Assembly, but that the committee, after using every effort in their power, have been unable to procure the attendance of A. H. Snell, the only witness against him. The committee recommended a dismissal of the case.

The report was concurred in.

Also—

Recommended that William Alley, the member of the House from Macon county, be allowed to retain his seat, the evidence produced before the committee not being sufficient to deprive him of his right to a seat.

Report was concurred in.

Also—

Recommended that the investigation against Israel G. Smith and James M. Bullock, the sitting members of the House from Greene county, be stopped, there being no evidence of fraud and intimidation having been used, as was charged, to secure their election.

Report was concurred in.

Also—

Recommended that B. F. Benson, the sitting member from Elmore county, be allowed to retain his seat, no evidence being furnished the committee to establish the charge of ineligibility.

Report was concurred in.

Also—

Recommend that Mr. Jacob Black, member of the House from Barbour county, be allowed to retain his seat, the charge of his being a foreigner not being substantiated by the evidence furnished.

Report concurred in.

Mr. Powell, from the Committee on Enrolled Bills, reported the following as being correctly enrolled :

To authorize the commissioners court of Winston county to levy a special tax to build a court-house and jail ;

To enable John Y. Kilpatrick, administrator of the estate of R. H. Kilpatrick, late of Monroe county, deceased, to sell either at public or private sale the residence and medical office owned by said deceased at the time of his death, and make title to the same ;

To repeal an act entitled an act to establish the Masonic Home in the county of Chambers ;

To prohibit the sale or otherwise disposing of spirituous, vinous or malt liquors within one mile of the court-house in the town of Ashville, in the county of St. Clair ;

To make Mrs. Sarah J. Ward, wife of E. H. Ward, of Choctaw county, Alabama, a free-dealer ;

To repeal section (9) nine of an act entitled “ An act to re-organize the municipal government of the city of Mobile, and to provide for the election of the officers thereof.”

Mr. Lowe, from the Committee on Internal Improvements, reported favorably to the bill—

To prescribe the mode of taking private property for Rail Road or other purposes, or for public use ;

Which was read the 3d time forthwith.

On motion of Mr. Bulger it was made the special order for to-morrow 12 o'clock, m.

Message from the Governor by Mr. Gindrat:

EXECUTIVE DEPARTMENT,
Montgomery, January 30, 1871. }

Mr. Speaker :

I am directed by the Governor to inform you that he has approved the following acts originating in the House of Representatives :

An act to incorporate the Lomax Fire Engine Company No. 4, of the city of Montgomery;

An act to incorporate the Eufaula Hook and Ladder Company;

An act to authorize the County Treasurer of Jackson county to pay the guards for prisoners of said county;

An act for the relief of citizens who are exempted on account of age from serving on juries;

An act to relieve Wilson M. Cooper and Jane F. Arnold of the disabilities of non age;

An act for the relief of the poor of Dale county;

An act to legalize the location of the Court House in the county of Dale;

An act to increase the pay of Grand and Petit Jurors in this State;

An act to repeal an act to authorize the appointment of a guardian *ad litem* for each county.

Respectfully,

JOHN H. GINDRAT,
Private Secretary.

Leave of absence was granted Messrs. Callaway and Mancill for two days each.

Mr. Powell moved that the House adjourn till to-morrow morning 10 o'clock.

Lost.

Mr. Lowe, from the Committee on Internal Improvements, reported adversely to the bills—

To provide for procuring the right of way for Rail Road Companies in this State;

To secure prompt payment for stock killed or injured by Rail Roads in this State.

The reports were each concurred in.

Also, adversely to the bill—

To grant additional power to the Selma, Marion and Memphis Rail Road Company.

On motion of Mr. Bullock the bill was recommitted to the Committee on Internal Improvements.

Mr. Henry, from the Committee on Agriculture and Commerce, reported adversely to the resolution of inquiry as to the practicability and expediency of legislative enactment for increasing the cultivation of provision crops in this State.

Report concurred in.

Also, adversely to the bill—

To create liens on growing crops in favor of merchants making advancements.

Report concurred in.

Also, favorably, with amendments, to the bill—

To protect the farmers of this State from imposition in the sale of fertilizers.

Amend by making the provisions of the bill applicable to fertilizers manufactured in the State of Alabama.

Amend section 4 by adding "That the compensation to be allowed the Inspectors shall be one dollar per ton on all fertilizers inspected."

On motion of Mr. Bulger, the bill and amendments were made the special order for Monday, the 6th of February.

Mr. Moore, from the Committee on Local Legislation, reported adversely to the bills—

To repeal an act to establish public pounds in the county of Montgomery;

To suspend, limit and restrict an act for the protection of planters and lands against the depredations of stock in Lowndes county, Alabama, so as not to apply to Benton beat in said county;

For the relief of Walter Robertson and R. L. B. Owen, of the county of Lee, of the disabilities of non age;

To authorize M. C. Newman, of DeKalb county, to erect a dam across Van Buren Creek in said county, for certain purposes specified;

For the relief of James W. Powers, of Lee county;

For the relief of Flemming M. Gilmer, of Montgomery county.

The reports were severally concurred in.

Also, asked a reference, to the Committee on Ways and Means, of the bill—

For the relief of Wm. O. Lowndes, of Tallapoosa county.

The bill was recommitted as requested.

Also, favorably to the bill—

To amend section one of an act to establish public pounds in the county of Montgomery, approved March 3d, 1870.

Pending the consideration,

On motion of Mr. Leath—

The House adjourned till 10 o'clock a. m., to-morrow.

TUESDAY, January 31, 1871.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Stringfellow.

Journal of yesterday read and approved.

Mr. Strobach moved to reconsider the vote by which the House concurred in the adverse report of the Committee on Local Legislation to the bill—

For the relief of James W. Powers, of Lee county.

The motion to reconsider prevailed, the bill was read the 3d time forthwith and passed.

The Speaker announced that he had appointed Messrs. Moore, Duskin, Doster, Hamilton, Gunn, Appleton, Grayson, of Clark, Smith of Greene, Ashurst, Davis, Etheridge and Howell, as the special committee to consider the subject of the maintenance of the poor of the State.

CALL OF THE COUNTIES.

Bills were introduced,

By Mr. Smith of Greene—

To repeal an act for the enclosure of stock in the county of Greene.

By Mr. Gilchrist—

To authorize and require the Probate Judge of Lawrence county to hold special terms of his court at the town of Courtland;

Which were severally read the 1st, 2d and 3d times forthwith, and were passed and ordered to the Senate.

By Mr. Grayson, of Madison—

To prescribe and enforce the terms upon which Express

Companies, not incorporated by or under the laws of this State, may do business in this State.

By Mr. Oates—

To increase and regulate the pay of jurors and witnesses in the county of Henry ;

Also—

To amend section 1 of an act to incorporate the Woodville Insurance Company ;

By Mr. Speake—

To amend section 6 of an act to incorporate the Baptist Female Institute at Moulton, approved February 8, 1852, with amendment approved March 3, 1870 ;

Also—

For the relief of James H. Ballentine and Elmira C. Swoope, representatives of E. M. Swoope, deceased ;

Which were severally read the first, second and third times forthwith and passed.

By Mr. Bullock—

To amend section 2082 of the Revised Code, and to regulate the proceeding as to sale of lands belonging to insolvent estates ;

By Mr. Smith of Greene—

To amend section 2158 of the Revised Code ;

Also—

To amend section 1987 of the Revised Code, and to repeal section 2002, so far as applies to general administrators ;

By Mr. Oates—

To limit the time within which certain actions against executors, administrators, guardians and trustees shall be commenced ;

By Mr. Hurt—

To amend section 1282 of the Revised Code ;

By Mr. Hewitt—

To amend section 2358 of the Revised Code ;

Also—

To repeal section 2877 of the Revised Code ;

Also—

To amend section 3931 of the Revised Code ;

Also—

To repeal sections 3932 and 3939 of the Revised Code ;

Also—

To define the duties of county solicitors and regulating their fees ;

By Mr. Gilchrist—

To allow non-residents to prove their accounts by affidavit when sued in this State ;

By Mr. Toomer—

To amend section 2660, chapter 9, part 3, title 1, of the Revised Code ;

Also—

To amend section 2665 of the Revised Code ;

Which were severally read the first and second times forthwith and referred to the Committee on Revision of the Laws.

By Mr. Duskin (with two petitions)—

To amend an act to incorporate the town of Greensboro, in the county of Hale ;

By Mr. Oates—

To amend an act to incorporate the Montgomery Water Works Company for the city of Montgomery ;

Which were each read the first and second times forthwith and referred to the Committee on Corporations.

By Mr. Oates—

Relating to the increase of the number of Supreme Court Judges ;

Also—

To define and punish seduction ;

By Mr. Cowan—

To authorize Robert Frazier to make conveyance of certain lands in Jackson county ;

By Mr. Hewitt—

To declare a certain class of married women therein named *femme soles* ;

By Mr. Taylor of Lauderdale—

To amend an act to incorporate the Annual Alabama Conference of the Methodist Episcopal Church South, approved February 27, 1852, and an act amendatory of said act, approved March 3, 1870 ;

Also—

To amend section 2 of an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State, approved February 21, 1870 ;

By Mr. Dustan—

To provide for the formation of a Board of Medical Examiners for the State of Alabama ;

Which were severally read the first and second times forthwith and referred to the Judiciary Committee.

By Mr. Oates—

To authorize and require the court of county commissioners of Henry county to levy a special tax for certain educational purposes, and to provide for the distributions of the same ;

Which was read the first and second times forthwith and referred to the Judiciary Committee.

By Mr. Taylor of Lauderdale—

For the relief of Moses H. Crittenden ;

By Mr. Rice—

To regulate the sale of delinquent land and town lots in the county of Madison ;

Which were each read the first and second times forthwith and referred to the Committee on Local Legislation.

By Mr. Taylor of Lauderdale—

To secure to land owners and other persons the collection of their rents ;

Which was read the first and second times forthwith and referred to the Committee on Agriculture and Commerce.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has passed House bills as follows :

To amend section (11) eleven of an act entitled an act to establish revenue laws for the State of Alabama ;

To repeal an act entitled an act to enable certain officers to collect their fees, approved December 31, 1868 ;

To amend section thirteen hundred and sixteen (1316) of the Revised Code of Alabama.

And has amended as therein shown and passed a House bill—

To legalize the tax sales of real estate made in Winston county.

And has originated and passed the following bills :

To revive an act to incorporate the trustees of LaFayette Academy, in the village of LaGrange ;

To authorize Mrs. Elizabeth Amanda Mabrey, administratrix of the estate of Joshua R. Mabrey, deceased, to sell certain lands in Dale county ;

To make Mrs. Maria L. Atkinson, of Montgomery county, a free-dealer ;

To fix the time of holding the chancery court in the county of Bullock ;

To pay Johns and Naftel for work done in the Senate Chamber of the State of Alabama ;

To incorporate the town of Attalla, in Etowah county ;

To make Elna J. Cross, wife of Caprion R. Cross, of the county of Talladega, and State of Alabama, a free-dealer ;

To remove the administration of John C. Judkins, Sr., from Macon county to Montgomery county ;

To alter and amend the charter of the town of Decatur, in Morgan county, Alabama ;

For the relief of Joseph I. Hall, of Autauga county, and William A. McBryde, of Pike county.

M. P. BLUE,
Secretary of the Senate.

By Mr. Toomer—

To prevent prize fighting in the State of Alabama ;

Which was read the first and second times forthwith.

Mr. Boyd moved to amend by making the provisions of the bill applicable to cock fighting.

On motion of Mr. Perrin---

The amendment was laid on the table.

On motion of Mr. Semmes—

The words, "or hard labor for the county," were struck out.

The bill was read the third time forthwith and passed, and ordered to the Senate.

By Mr. Toomer—

To amend an act in relation to chancery courts in Alabama ;

Which was read the first and second times forthwith, and referred to a special committee of members from the eastern chancery division.

Also---

To make Mrs. A. P. Key, wife of H. A. Key, of Lee county, a free dealer ;

Which was read the first and second times forthwith.

On motion of Mr. Henry---

It was amended by making the provisions of the bill applicable to Mrs. C. E. Appleby, wife of T. L. Appleby, of Russell county.

The bill was referred to the committee on Local Legislation.

By Mr. Nininger—

To allow Wm. P. Bruce to sell spirituous or vinous liquors without a license ;

Which was read the first and second times forthwith.

On motion of Mr. Smith of Greene—

It was laid on the table.

By Mr. Grayson of Madison---

To authorize the courts of county commissioners to alter or change the direction and character of macadamized, turn-pike, or plank roads ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Public Roads and Highways.

By Mr. Rice—

To provide for the filing in the office of the probate judge, certain papers therein named.

Also---

To repeal sections 121, 122 and 123 of the revenue laws of Alabama.

By Mr. Dustan—

Supplementary to an act to establish revenue laws for the State of Alabama.

Also, (with petition)---

For the relief of Jack Lockhart, of Marengo county ;

Which were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

The hour of 12 o'clock having arrived, the

SPECIAL ORDERS

Were taken up.

The Senate joint resolution relative to the appointment of a joint committee to investigate the liabilities of the several railroads in this State for endorsements of bonds, &c.,

Being first in order ;

On motion of Mr. Strobach---

It was amended by striking out "three" and inserting "five," as the number of committee-men from the House.

Mr. Boyd moved to lay the joint resolution on the table.

The motion prevailed---yeas 45, nays 36.

Those who voted yea are—

Messrs. Alley, Appleton, Ashurst, Bassett, Boyd, Bradford, Carmichael, Cowan, Crook, Davis, Drake, Ellison, Etheridge, Gilchrist, Grayson of Clarke, Gunn, Hamilton, Hitchcock,

Hodo, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Miller, Moore, Mooring, Murrah, Payne, Powell, Raisler, Semmes, Smith of Choctaw, Smith of Greene, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toulmin, Weatherford, White and Wyman---45.

Those who voted nay are—

Messrs. Benson, Box, Bulger, Bullock, Carlin, Clements, Cochran, Craig, Curtis, Diggs, Dozier, Duskin, Gee, Graham, Grayson of Madison, Haralson, Henderson, Henry, Hewitt, Holmes of Baldwin, Johnson of Dallas, Lowe, McCall, Marlowe, Nininger, Oates, Perrin, Rice, Speed, St. Clair, Strobach, Taylor of Winston, Thompson, Toomer, Wells and Williams—36.

Mr. Moore, by leave, offered the following resolution :

Be it resolved by the House, (the Senate concurring,) That the Governor be required, and it is hereby made his duty, to call on all bond-holders of Alabama State bonds, issued since 1867, by publication in three prominent newspapers in the city of New York, and by circulars directed to the leading bankers of New York and London, calling on them to transmit to the Department of State a correct description of bonds so held by them, with date of issue, the time of purchase, and from whom purchased, in order to arrive at the amount of bonds issued since the date referred to above.

Mr. Dustan moved the reference of the resolution to the special committee to investigate alleged frauds in issuance of railroad bonds, &c.

Mr. Perrin moved to lay the resolution on the table ;

Lost.

The resolution was referred.

Leave of absence was granted Mr. Hubbard for three days.

The next special order being the bill---

To prescribe the mode of taking private property for railroad or other purposes, or for private use ;

It was passed, and ordered to the Senate.

Mr. Powell offered the following resolutions :

WHEREAS, There is much complaint being made to this body about the great necessity of creating one or more new judicial circuits in the State ; and whereas, it is alleged, as one of the causes of such necessity, that the labors of the bench are too burdensome for the present judges to bear, and not equally apportioned throughout the State ; therefore, be it

Resolved, (the Senate concurring,) That a committee of five be appointed by the respective presiding officer of each House, two from the Senate and three from the House, whose duty it shall be to reorganize and revise the judicial circuits throughout the State.

Resolved further, That said committee shall, after having apportioned the labors of the bench as equally as the same can be done to the several circuits, be fully empowered and authorized to inquire into the necessity of forming and creating one or more new judicial circuits, and so report the same to the General Assembly, with such recommendations and changes as in their judgment may seem manifest and proper.

On motion of Mr. Carmichael, it was made the special order for to-morrow 12 o'clock, m.

By leave, bills were introduced,

By Mr. Ellison—

To facilitate the collection of municipal taxes and dues, in the city of Mobile.

By Mr. Doster—

To amend section 3736 of the Revised Code of Alabama;

Which were severally read the first and second times forthwith and referred to the Committee on Revision of the Laws.

By Mr. Smith of Choctaw—

To amend subdivision 4 of section 112 of an act to establish revenue laws of the State of Alabama, approved December 31, 1868;

Which was read the first and second times forthwith and referred to the Committee on Ways and Means.

By Mr. Taylor of Winston—

To make Mrs. Theresa J. Wilson, of Winston county, a free dealer;

Which was read the first and second times forthwith and referred to the Committee on Local Legislation.

By Mr. Clements—

To fix the time of holding the circuit courts in the third judicial circuit of Alabama, and to repeal the third paragraph of section 750 of the Revised Code;

Which was read the first and second times forthwith and referred to the Judiciary Committee.

On motion of Mr. Moore,

The House adjourned till 10 o'clock a. m., to-morrow.

WEDNESDAY, February 1, 1871.

House met pursuant to adjournment.

The Speaker being absent, Mr. Bulger called the House to order.

On motion of Mr. Toomer, Mr. Oates was unanimously elected Speaker of the House for the time being.

Prayer by the Rev. Dr. Stringfellow.

Leave was granted the Committee on Privileges and Elections to withdraw from the House during the morning's session.

Journal of yesterday was read and approved.

CALL OF THE COUNTIES,

Bills were introduced,

By Mr. Boyd—

To amend section 8 of an act to regulate elections in this State, approved October 8, 1868.

By Mr. Toulmin—

To amend section 1860 of the Revised Code;

By Mr. Gunn—

To regulate public legal notices in Morgan county;

Also—

To allow W. C. Jones to settle with the heirs of D. D. R. A. Jones, of Morgan county.

By Mr. Hamilton—

To authorize solicitors to issue subpoenas in vacation for witnesses to attend before the grand jury;

Also—

To give the court of probate jurisdiction of the exemptions allowed by the constitution to the widows and families of deceased persons;

Which were severally read the first and second times forthwith and referred to the Judiciary Committee.

By Mr. Boyd—

To make Louisa Smallwood, and Mahulda Jane Whisenant, free dealers;

Also—

To relieve Albert G. Dusand, a minor, of Marshall county, of the disability of non-age.

By Mr. Strauss—

To relieve Soloman Heidelberger, of the county of Mobile, and Isaac P. and Willie E. Chambers, of the county of Henry, of the disabilities of non-age.

By Mr. Thompson—

For the relief of Rhody Johnson, of Montgomery county; Which were severally read the first and second times forthwith and referred to the Committee on Local Legislation.

By Mr. Boyd—

To change and alter the boundaries between the counties of Marshall and Blount;

Which was read the first and second times forthwith and referred to the Committee on Counties and County Boundaries.

By Mr. Boyd—

To authorize Rufus B. Rhea to erect a dam across Big Wills Creek, in Etowah county ;

Which was read the first and second times forthwith and referred to the members of the House from the counties adjacent to Etowah ;

Also—

To change the county line between the counties of Jefferson and Shelby ;

Which was read the first and second times forthwith and referred to the members from Jefferson and Shelby counties ;

Also—

To require annual statements to be published by all fire and life insurance companies doing business in this State;

By Mr. Toulmin—

To authorize the redemption of lands sold for taxes and purchased by the State ;

By Mr. Greene (with petition)—

To repeal an act legalizing the tax collector's sale of real estate in Winston county ;

Which were severally read the first and second times forthwith and referred to the Committee on Ways and Means.

By Mr. Boyd—

For the relief of James Hale, (colored) of Marshall county.

By Mr. Toulmin—

To enable the judge of probate of Mobile county, to do and perform certain acts and duties which pertain to the office of county treasurer—

Also—

To amend section 3 of an act to incorporate the Gulf City Insurance Company ;

Also—

Joint resolution to authorize the New Orleans, Mobile and Chattanooga Railroad Company to change the name of said corporation, and to regulate its contracts, obligations and securities under this name.

By Mr. Harmount—

For the relief of the widow and heirs of David Owen, deceased.

By Mr. Gunn, (with petition,)—

To incorporate the town of Decatur, in Morgan county.

Also---

To prevent the obstruction of the public highway in the Tennessee river.

By Mr. Murrah---

To change the name of Walter L. Pierce, of Pickens county ;

Which were read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Toulmin---

In reference to juries in the circuit and city courts of Mobile.

Also, (with a petition)—

Defining the duties of the coroner of Mobile county, and for other purposes.

By Mr. Thompson—

To amend section 2339 of the Revised Code of Alabama.

Also—

To repeal sections 1237, 2680, and 4231 of the Revised Code.

By Mr. Gunn—

To amend section 2 of an act to regulate lotteries, approved December 31, 1868.

By Mr. Graham---

To authorize letters of administration upon the estate of Anguish B. Finlayson, deceased, to be taken out in the probate court of Perry county ;

Which were severally read the first and second times forthwith, and referred to the Committee on Revision of the Laws.

By Mr. Strauss—

To amend the charter of the Washington Fire and Marine Insurance Company, of Mobile.

By Mr. McDermott—

To extend the powers of the Fire Department Association of Mobile ;

Which were severally read the first and second times forthwith and referred to the Committee on Corporations.

By Mr. McDermott—

To make the President of the Board of Trade of Mobile, a member of the board for the improvement of the river, harbor and bay of Mobile.

Also---

To authorize the board for the improvement of the river, harbor and bay of Mobile to receive certain funds ;

Which were read the first and second times forthwith, and referred to the Committee on Internal Improvements.

By Mr. Strobach—

To amend an act entitled An act to amend an act to incorporate the Montgomery and Pickett Springs Gravel Road Company.

Also—

To amend an act to incorporate the Montgomery and Pickett Springs Gravel Road Company ;

Which were severally read the first and second times forthwith, and referred to the members from Montgomery and Elmore counties.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has passed House bills as follows :

To repeal the 2d subdivision of section 77 of the Revised Code ;

To repeal an act entitled An act to regulate lotteries.

And has amended, as therein shown, and passed, the House bill---

To incorporate the town of North Port, in the county of Tuskaloosa.

M. P. BLUE,
Secretary of Senate.

By Mr. Williams—

To repeal sections 3602 and 3603 of the Revised Code ;

Which was read the first and second times forthwith, and referred to the Judiciary Committee.

On motion of Mr. Bullock---

The vote by which the bill was referred was reconsidered, and the bill was laid on the table---yeas 59, nays 16.

Those who voted yea are---

Messrs. Ashurst, Bassett, Benson, Box, Boyd, Bradford, Bulger, Bullock, Clements, Cowan, Crook, Davis, Doster, Duskin, Ellison, Etheridge, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Harmount, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Kennedy, Leath, Lewis, McCall, McCaskey, McDermott, Marlowe, Miller, Moore, Mooring, Murah, Nininger, Oates, Payne, Perrin, Raisler, Rice, Simms, Smith of Choctaw, Smith of Greene, Speake, Steele, Strauss, Taylor of Winston, Toulmin, Ware, Weatherford, White and Wyman—59.

Those who voted nay are—

Messrs. Alley, Black, Craig, Curtis, Diggs, Dozier, Dustan, Gee, Green, Haralson, Johnson of Dallas, Speed, St. Clair, Thompson, Wells and Williams—16.

By Mr. Williams—

To amend section 2315 of the Revised Code ;

Which was read the first time.

On motion of Mr. Hewitt,

The bill was laid on the table.

By Mr. Thompson—

To amend section 3996 of the Revised Code ;

Which was read the first and second times forthwith.

Mr. Hewitt moved to amend by striking out “fifty” and inserting, “not exceeding five hundred dollars;” and by striking out “ten days” and inserting, “six months, one or both, at the discretion of the jury trying the same.”

On motion of Mr. Bulger,

The bill and amendment were laid on the table.

Mr. Rice, from the committee on Enrolled Bills, reported the following as correctly enrolled :

To incorporate the town of Pickensville, in the county of Pickens ;

To repeal an act approved February 7, 1870, to authorize the commissioners’ courts of Sumter, Perry and Greene counties to levy a special tax upon the property in said counties, for the purpose of working the public roads in said counties ;

To repeal an act entitled An act to prevent camp hunting in Marion county, approved February 7, 1870 ;

To amend section 1316 of the Revised Code ;

To repeal an act entitled An act to enable certain officers to collect their fees, approved December 31, 1868 ;

To amend section 11 of an act entitled An act to establish revenue laws for the State of Alabama ;

To repeal an act entitled An act to regulate lotteries ;

To repeal the 2d subdivision of section 77 of the Revised Code ;

To establish a charter for the town of Elyton, in Jefferson county.

The hour of twelve o'clock having arrived, the special order, which was the resolution in relation to judicial circuits,

Was taken up and made the special order for to-morrow at twelve o'clock, m.

The next special order for this hour being the bill—

To make Missouri Kingsbury and Mary M. Howell free-dealers,

It was referred to the Committee on Local Legislation.

The report of the Committee on Local Legislation on the bill—

To amend section 1 of an act to establish public pounds in the county of Montgomery, approved March 3, 1870 ;

Which was under consideration when the House adjourned on Monday,

Was taken up, and the amendment of the committee, which strikes out “twenty-five,” and inserts “fifty,” was adopted.

Mr. Williams moved to amend as follows:

“Provided, The provisions of this act shall not apply to any parts of townships 12 or 13 in said county.

“Provided further, That its provisions shall not apply to within four miles of the city of Montgomery.”

On motion of Mr. Toomer,

The amendments were laid on the table.

The bill was read the third time forthwith and passed ;

Yeas 57, nays 13.

Those who voted yea are—

Messrs. Appleton, Ashurst, Bassett, Benson, Box, Boyd, Bradford, Bulger, Bullock, Carlin, Clements, Cowan, Crook, Davis, Doster, Drake, Etheridge, Gilchrist, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Harmount, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lowe, McCall, McCaskey, McDermott, Miller, Moore, Mooring, Murrah, Nininger, Oates, Raisler, Rice, Semmes, Smith of Choctaw, Smith of Greene, Smitherman, Speake, Taylor of Lauderdale, Taylor

of Winston, Toomer, Ware, Weatherford, White, Williams and Wyman--57.

Those who voted nay are—

Messrs. Black, Clark, Craig, Curtis, Diggs, Dozier, Gaskin, Green, Haralson, Johnson of Dallas, St. Clair, Strobach and Wells—13.

The House refused to concur in the Senate amendment to the House bill—

To legalize the tax sales of real estate made in Winston county.

The Senate bill—

To revive an act to incorporate the trustees of LaFayette Academy, in the village of LaGrange;

Was read the first, second and third times forthwith and passed.

The Senate bill---

To authorize Mrs. Elizabeth Amanda Mabrey, administratrix of the estate of Joshua R. Mabrey, deceased, to sell certain lands in Dale county, Alabama;

Was read the first and second times forthwith and referred to the Committee on Revision of the Laws.

The Senate bill---

To make Mrs. Maria L. Atkinson, of Montgomery county, a free-dealer;

Was read the first and second times and referred to the Committee on Local Legislation.

The Senate bill---

To fix the time of holding the chancery court in the county of Bullock;

Was read the first and second times forthwith and referred to the special committee of the House, composed of members of the Eastern Chancery Division.

The Senate bill—

To pay Johns and Naftel for work done in the Senate Chamber of the State of Alabama;

Was read the first, second and third times forthwith.

On motion of Mr. Hewitt,

The vote by which the bill was ordered to a third reading was reconsidered;

And the bill was referred to the Committee on Accounts and Claims.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has passed the following House bill :

To authorize the corporate authorities of the city of Mobile to issue bonds to the amount of four hundred thousand dollars.

Respectfully,

M. P. BLUE,
Secretary of the Senate.

Message from the Governor by Mr. Gindrat :

EXECUTIVE DEPARTMENT, }
Montgomery, Jan. 31, 1871. }

Gentlemen of the House of Representatives :

In compliance with your resolution, adopted January 26, 1871, I herewith transmit all the reports of railroad companies, contemplated by said resolution, to be found on file in this department.

ROBERT B. LINDSAY.

Also, a message from the Governor by Mr. Gindrat:

Mr. Speaker :

I am requested by his Excellency the Governor, to inform you that he has approved the following acts originating in the House of Representatives :

An act to prohibit the sale or otherwise disposing of spirituous, vinous or malt liquors within one mile of the court-house in the town of Ashville, in the county of St. Clair ;

An act to make Mrs. Sarah J. Ward, wife of E. H. Ward, of Choctaw county, Alabama, a free-dealer ;

An act to repeal an act entitled an act to establish the Masonic Home in Chambers county ;

An act to repeal section (9) nine of an act entitled an act to reorganize the municipal government of the city of Mobile, and to provide for the elections thereof ;

An act to authorize the commissioners court of Winston county to levy a special tax to build a court-house and jail ;

An act to make John Y. Kilpatrick, administrator of the

estate of R. H. Kilpatrick, late of Monroe county, deceased, to sell either at public or private sale the residence and medical office owned by the said deceased at the time of his death, and to make titles to the same.

JOHN H. GINDRAT,
Private Secretary.

On motion of Mr. White,
The House adjourned till to-morrow morning 10 o'clock.

THURSDAY, February 2, 1871.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Stringfellow.

Mr. Smith, of Sumter, asked leave for the Committee on Privileges and Elections to hold their session during the session of the House ;

Which was granted.

Mr. Lowe, at his own request, was relieved from duty on the Committee on Privileges and Elections, and Mr. Ellison was appointed in his stead on the said committee.

Mr. Carmichael, by leave, offered the following resolutions ;
Which were adopted :

Resolved by the House of Representatives, That the Chairman of the Committee on Privileges and Elections be, and he is hereby required to report to the Speaker of the House of Representatives, by certificate, the number of miles traveled, and the number of days attended by each witness, who has appeared before said committee, as a witness touching any question of privilege pending before the same.

Resolved, 2. That upon such report being reported to the Speaker, it is hereby made his duty to certify to the Auditor the amount so reported for each witness, such certificate being countersigned by the Clerk of the House of Representatives.

Resolved, 3. That upon presentation to him of the certified amount herein before provided for, the Auditor shall be authorized and he is hereby required to issue his warrant against the State Treasurer in favor of such witnesses for the respective amounts so certified as aforesaid.

CALL OF THE COUNTIES.

Bills were introduced

By Mr. Hodo—

To regulate exemptions in the State of Alabama ;

Also---

To provide for the sale of judgments for costs ;

Also—

To provide for the sale of claims belonging to insolvent estates ;

By Mr. Lewis—

To carry into effect Section 5 of Article 13 of the State Constitution, and provide modes of procedure in the same.

By Mr. Box—

Authorizing Chancery Courts to afford relief in certain cases.

By Mr. Holmes, of Sumter—

To repeal an act entitled An act for the relief of the Sheriff of Sumter county ;

By Mr. Mooring---

To authorize guardians to resign ;

By Mr. Bulger—

To exempt from jury duty certain classes of persons therein named ;

By Mr. Clements—

To amend section 3230 of the Revised Code ;

By Mr. Miller—

To authorize and empower John Brown, Probate Judge of Walker county, to exercise jurisdiction over the estates of Thomas Brown, deceased ;

Also—

To authorize John Brown, Probate Judge of Walker county, to exercise jurisdiction over the estates of James McKitchen and Lemuel Sharks, deceased.

By Mr. Doster—

To amend subdivision 10 of section 1502 of the Revised Code ;

By Mr. Payne—

For the special construction, for the county of Blount, State of Alabama, of section 2360, of the Revised Code ;

By Mr. Speed—

To prevent the evil practice of gambling ;

By Mr. Crook—

To protect keepers, owners or proprietors of livery stables ;

Also—

To amend section 3695 of the Revised Code of Alabama;

By Mr. Smith, of Choctaw—

To allow writs of garnishment in certain cases;

By Mr. Moore—

To enact an exemption law;

Also—

To prohibit savings banks, and others from putting in circulation their certificates of deposit;

Also—

To declare null and void the marriage between Christopher Thurman and Rebecca Kelly, of Coffee county;

Also—

For the relief of certain persons therein named;

Also—

To empower the administratrix of the estate of A. D. McKinnon to compromise the affairs of said estate;

Which were severally read the 1st and 2d times forthwith, and referred to the Committee on the Judiciary.

By Mr. Hodo—

To amend section 2282 of the Revised Code of Alabama;

By Mr. Henry—

To authorize Thos. E. Blanchard, a citizen of the State of Georgia, to qualify as administrator on the estate of John Mitchell, deceased;

By Mr. Box—

To regulate the trial of actions in the Courts of this State;

By Mr. Henderson—

To amend section 1322 of the Revised Code;

By Mr. McCall—

To empower William R. Skinner, executor of Emanuel Sligh, deceased, to sell the real estate of said Sligh.

By Mr. Grayson of Clark—

To repeal an act entitled an act to amend sections 4377 and 4390 of the Revised Code of Alabama, approved October 10th, 1868;

Which were severally read the first and second times forthwith, and referred to the Committee on Revision of the Laws.

By Mr. Hodo—

For the relief of James A. Evans and Janie E. Evans of Pickens county;

By Mr. Box, with a petition—

For the relief of Joseph McLaughlin of St. Clair county.

By Mr. Hitchcock—

To allow Patsey Wesson, of Talladega county, to take possession of certain property conveyed by will of her father, John Willingham.

By Mr. Clements---

For the relief of W. F. Taylor, of Tuscaloosa county.

By Mr. Henderson—

For the relief of Thomas B. Curtis, and Mary E. Curtis, of Wilcox county, from the disabilities of non-age.

By Mr. McCall—

For the relief of Isaac D. Pipkin, a minor, of Bullock county, Alabama ;

Also—

To make Altha Hall, wife of Matthew Hall, of Bullock county, a free dealer ;

Also—

To prohibit the sale of vinous or spirituous liquors within one mile of the Methodist Church in Enon, Bullock county.

By Mr. White—

To prevent the sale of vinous or spirituous liquors within two miles of the Baptist Church in Fayetteville, Talladega county.

By Mr. Moore---

To declare Caroline Shaver a free dealer ;

Also---

To restrict the amount which may be allowed the county officers of Coffee county, for *ex-officio* services ;

Which bills were severally read the first and second times forthwith and referred to the Committee on Local Legislation.

By Mr. Davis—

To authorize Henry Walls, of Randolph county, to practice medicine without paying license, and to collect for the same.

By Mr. Box (with petition)—

To prohibit the sale of spirituous, vinous or malt liquors, in less quantities than one gallon, within one mile of Branchville school house, situated in the village of Branchville ;

Also---

To prohibit the sale of liquors within one mile of Springville Academy, situated in the town of Springville, in the county of St. Clair.

By Mr. McCaskey—

To repeal an act amendatory of section sixteen of the Revised Code of Alabama, approved February 7th, 1870 ;

Which were severally read the first and second times forthwith and referred to the Committee on Ways and Means.

By Mr. Henry—

To change the county line between the counties of Barbour and Russell ;

By Mr. Lewis—

To amend section 1 of act to create the county of Baker ;

Which were severally read the first and second times forthwith, and referred to the Committee on Counties and County Boundaries.

By Mr. Henry—

To repeal an act entitled an act to repeal in part an act to incorporate the Mobile and Girard Railroad Company, approved January 21st, 1865 ;

Which was read the first and second times forthwith, and referred to the Committee on Internal Improvements.

By Mr. Lewis—

To revive an act to incorporate the town of Columbiana, in the county of Shelby ;

By Mr. Henderson—

To incorporate the town of Pine Apple, in Wilcox county ;

By Mr. Black—

To establish a new charter for the city of Eufaula ;

By Mr. Ware—

To incorporate the Male Academy in Chambers county ;

By Mr. Leath—

To incorporate the town of Gadsden, Etowah county, Alabama ;

Which were severally read the first and second times forthwith, and referred to the committee on Corporations.

By Mr. Lewis—

To create the tenth chancery district of the Eastern Division of the State of Alabama ;

By Mr. Ware—

To fix the times of holding the chancery courts in the counties of Lee, Chambers, Tallapoosa, Clay and Randolph, in the eastern chancery division of the State of Alabama ;

Which were read the first and second times forthwith, and referred to the Special Committee of members from the eastern chancery division ;

By Mr. Box—

To require the sheriffs of this State to convey indigent insane persons to the Insane Hospital at Tuscaloosa, on the order of the probate judge, and to provide for the pay of the sheriffs for such services ;

Which was read the first and second times forthwith, and referred to the Joint Committee on the Insane Asylum ;

By Mr. Moore—

To preserve the honor, dignity, faith and credit of the State, as pledged to school teachers ;

Was read the first and second times forthwith, and referred to the Committee on Education.

By Mr. Mooring—

To enable John J. Houston of Sumter county, to dispose of his plantation and ferry by lottery ;

Which was read the first time.

On motion of Mr. Perrin, it was laid on the table.

By Mr. Bulger—

To incorporate the town of Lafayette, in the county of Chambers ;

By Mr. Clements —

To enable Isabella Lynch, administratrix with the will annexed, of the estate of Augustine Lynch, late of Tuscaloosa county, to sell at private sale the personal property belonging to said estate ;

Which were severally read the first, second and third times forthwith, and passed, and ordered to the Senate.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has originated and passed the following bill, and ordered the same to the House without engrossment :

To authorize the judge of the city court of the city of Montgomery, to appoint a prosecuting attorney for the city court of Montgomery, and the county court of Montgomery county.

Respectfully,

M. P. BLUE,
Secretary of Senate.

By Mr. Etheridge—

To establish an election precinct at Bushy Creek Church, in Conecuh county ;

Which was read the first and second times forthwith, and referred the Committee on Counties and County Boundaries.

Mr. Boyd, from the Special Committee of members from the counties adjacent to Etowah, reported favorably to the bill—

To authorize Rufus B. Rhea to erect a dam across Big Wills creek, in Etowah county ;

Report was concurred in ;

And the bill read the third time forthwith, and passed.

Mr. Rice, from the Committee on Enrolled bills, reported the following as correctly enrolled :

To authorize the corporate authorities of the city of Mobile to issue bonds to the amount of four hundred thousand dollars.

The hour of 12 o'clock having arrived—

The special order for this hour, which was the joint resolution in relation to judicial circuits, was taken up--

Mr. Gunn moved to amend by striking out "one or more judicial circuits ;"

Lost.

The resolution was adopted.

On motion of Mr. Bulger,

The orders of the day were suspended to allow the Committee on Corporations to report a certain bill.

Mr. Lewis, from the said committee, reported favorably to the bill—

To incorporate the town of Dadeville, in the county of Tallapoosa ;

Which report was concurred in,

And the bill read the third time forthwith and passed, and ordered to the Senate.

On motion of Mr. Harmount,

The regular order of business was suspended to take up the Senate bill—

To remove the administration of John C. Judkins, Sr., from Macon county to Montgomery county ;

Which was read the first, second and third times forthwith and passed.

On motion of Mr. Dustan, the orders of the day were suspended to allow committees to report.

Mr. Box, from the Committee on Fees and Salaries, reported adversely to the following bills :

Senate bill—

To regulate the *ex-officio* pay of the officers of the counties of Washington and Choctaw ;

House bills—

To regulate fees of executors and administrators ;

To amend section 675 of the Revised Code of Alabama ;

To allow the sheriff of Barbour county to collect his fees for conveying prisoners upon an order of the circuit court of said county, and upon an order of the city court at Eufaula, transferring prisoners to and from Clayton and Eufaula, in said county ;

To reduce the pay of members of the General Assembly of Alabama ;

For the relief of D. S. Dinsmore, treasurer of Lawrence county ;

To define and limit the law in regard to mileage of the members of the General Assembly ;

The reports were severally concurred in.

Also, favorably to the bills—

To consolidate the fund of fines and forfeitures and the general fund of the county of Marengo ;

To require the county treasurer of Tuskaloosa county to pay the fees of the solicitor of said county in certain cases ;

To decrease the pay of members of the commissioners court of the county of Choctaw ;

To repeal an act to increase the *ex-officio* pay of the sheriff of Choctaw county ;

Which were severally read the third time forthwith and passed.

Also, favorably to the bill—

To increase the fees of jurors in the counties of Limestone and Crenshaw ;

Which was read the third time forthwith.

On motion of Mr. Raisler,

It was laid on the table.

Also, favorably to the bill—

To prescribe solicitors' fees in certain cases ;

Which was read the third time forthwith and lost.

Also, adversely to the bill—

To amend a certain clause of section 49 of the Revised Code, regulating mileage of the General Assembly ;

The report was concurred in.

On motion of Mr. Howell,

The vote of the House concurring in the report of the committee was reconsidered.

The report was again concurred in.

Also, reported a substitute for the bill—

To amend an act for the relief of the solicitors of Macon, Monroe and Baldwin, approved March 3, 1870.

Substitute adopted ;

Read the third time forthwith and passed.

Also, adversely to the bill—

To fix and regulate the mileage of members of the General Assembly ;

The report was concurred in ;

Yeas 53, nays 28.

Those who voted yea are—

Messrs. Alley, Bassett, Box, Boyd, Bradford, Bulger, Bullock, Callaway, Clark, Craig, Curtis, Davis, Diggs, Doster, Dozier, Drake, Duskin, Dustan, Etheridge, Gee, Grayson of Clarke, Grayson of Madison, Green, Gunn, Hamilton, Haralson, Hodo, Holmes of Baldwin, Holmes of Sumter, Johnson of Dallas, Kennedy, Leath, Lowe, McCall, McCaskey, McDermott, Mancill, Miller, Mooring, Murrah, Oates, Payne, Raisler, Rice, Simms, Smith of Choctaw, Smith of Greene, Speed, St. Clair, Steele, Strauss, Taylor of Winston, Weatherford, and Wells—53.

Those who voted nay are—

Messrs. Appleton, Ashurst, Benson, Black, Carlin, Clements, Cochran, Cowan, Crook, Gilchrist, Hewitt, Hitchcock, Howell, Hurt, Johnson of Coosa, Lewis, Marlowe, Nininger, Perrin, Simms, Speake, Taylor of Lauderdale, Thompson, Toulmin, Ware, White, Williams and Wyman—28.

Message from the Senate, by Mr. Whiting :

Mr. Speaker :

The Senate has passed House bill—

To provide for the support of the Fredmen's Hospital, located at Talladega, Ala.

M. P. BLUE,
Secretary of Senate.

On motion of Mr. Bradford,

Reports of committees was suspended to take up the Senate bill—

To authorize the judge of the city court of Montgomery to appoint a prosecuting attorney for the city court of Montgomery and county court of Montgomery county ;

Which was read the first and second times forthwith.
Mr. Harmount moved to refer the bill to the Judiciary Committee.

On motion of Mr. Bulger,

The motion to commit was laid on the table.

The bill was read the third time forthwith and passed, and ordered to the Senate.

Mr. Marlowe was granted leave of absence for one day.

On motion of Mr. Bullock,

The call of the committees in their regular order was suspended to allow the Judiciary Committee to report a certain bill.

Mr. Lewis, from said committee, reported a substitute for the bill—

To regulate the enclosure of stock in Greene county.

The substitute was adopted ;

Read the third time forthwith and passed.

On motion of Mr. Gaskin—

The House adjourned till 10 o'clock a. m., to-morrow.

FRIDAY, February 3, 1871.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Stringfellow.

Journal of yesterday read and approved.

On motion of Mr. Strobach,

The resolutions adopted on yesterday relative to the pay of certain witnesses were taken up, made joint resolutions, and were read the first, second and third times forthwith and adopted.

The caption was appended as follows:

Joint resolutions to pay certain witnesses.

They were then ordered forthwith to the Senate.

Mr. Howell, by leave, introduced a bill—

To authorize Mrs. Mary S. McCanaloss to sell and make title to certain lands therein described ;

Which was read the first and second times forthwith, and referred to the Committee on Local Legislation.

Leave of absence was granted the Committee on the Penitentiary and the Door-keeper.

On motion of Mr. Box,

The House reconsidered the vote concurring in the adverse

report of the Committee on Fees and Salaries to the bill—

To regulate the fees of executors and administrators.

On motion of Mr. Hewitt, it was amended, by inserting the words "hereafter appointed," after the word "administrator," in the fourth line of the first section.

Mr. Smith of Choctaw, offered the following amendment :

"That no lawyer, or any one practicing the profession of law, shall be allowed to sign any official bail or other bond as surety."

On motion of Mr. Hewitt, it was laid on the table.

Mr. Boyd offered the following amendment :

"That the true intent of this act, is to make it unlawful for any lawyer to accept any trust of a fiduciary character."

On motion of Mr. Taylor of Lauderdale, the amendment was laid on the table.

The bill was ordered to a third reading forthwith.

Mr. Semmes moved to reconsider the vote ordering the bill to a third reading ;

Lost.

Mr. Smith of Choctaw, moved that the bill be made the special order for the 14th of February next ;

Lost.

Mr. Harmount moved to lay the bill on the table ;

Lost.

The bill was read the third time.

Mr. Boyd moved to refer the bill to the committee of the whole House ;

Lost.

Mr. Hewitt moved the previous question ;

Lost.

Mr. Duskin offered the following amendment, as an engrossed rider :

"Section 4. Be it further enacted, That the provisions of this act shall not apply to the estates of attorneys-at-law."

The amendment was read three several times forthwith and adopted.

The hour of 12 o'clock having arrived—

Mr. Taylor of Lauderdale moved a suspension of the orders of the day, to pass the bill under consideration ;

Lost.

Mr. Bradford, from the special committee, appointed to investigate the alleged frauds in the issuance of railroad bonds and bonds endorsed by the State for the use of railroads, made the following report :

MAJORITY REPORT.

To the Speaker of the

House of Representatives of Alabama :

MR. SPEAKER : The committee to whom was referred, by resolution of this House, adopted on the 18th inst., the investigation of certain matters touching the liability of the State of Alabama on account of certain bonds indorsed by the State, and certain other bonds loaned by the State for the purpose of assisting the Alabama and Chattanooga Railroad Company and other railroad companies in the construction of their roads, has instructed me to make the following report :

The committee has industriously employed all their available time in the collection and consideration of all the testimony bearing upon the subjects of their inquiry that was accessible to them ; and although their researches have been but partial and unsatisfactory, they feel constrained, from high considerations of public policy, to announce the conclusion they have attained as to the duty devolved upon the State by the failure of the Alabama and Chattanooga Railroad Company to meet the semi-annual interest due the first day of January, 1871, upon the bonds issued and indorsed by the State for its benefit.

The evidence adduced before the committee develops a state of facts showing a community of purpose between the Alabama and Chattanooga Railroad Company, and the late Governor of the State, to secure to the said company the full benefit of the liberal aid granted to that company by the State without correspondingly securing to the State the full assertion of those guarantees of indemnity contemplated by the law.

The two millions of State bonds which the law authorized the Governor to issue in aid of said company, in sums sufficient to pay off the cost of having constructed a certain amount of road, in excess of the State indorsement of sixteen thousand dollars per mile, were issued in bulk, with reckless haste, and were hurried away to the money marts of Europe.

According to the statements before the committee of the capitalists representing the holders of those two millions of bonds, commonly called *straight bonds*, the bonds were sold in the city of New York some time before the 26th day of March, 1870, and on that day were started on their way to the London market ; but according to the testimony of the

late Treasurer and his clerk, and of the late Secretary of State, those bonds were never issued until after the 9th day of April, and before the 12th day of April, 1870. How this discrepancy of statement occurs the committee are unable to tell.

The committee are satisfied, from the testimony they have examined, that a large amount of bonds, probably amounting to a million of dollars worth, was indorsed by the late Governor in favor of the Alabama and Chattanooga Railroad Company in excess of the amount that company was entitled to by law; but the precise amount and date of the bonds they are unable to give.

The first mortgage, *or deed of trust*, given by the said company to secure the State, as required by law, is a conveyance by the company in its corporate name to certain individuals, residents of New York and other States, who were, at the date of the conveyance, or have since become, members of said company, and are unfit for the trust reposed in them, and entirely unfriendly to the State of Alabama.

The *personal security bond*, as it is commonly called, executed to secure the State, because of the grant of the two millions loan, against unnecessary delay in the construction of the Alabama and Chattanooga Railroad, was taken by the late Governor and carelessly handed to the late Treasurer to be taken care of as a private paper until called for, and remained in the possession of the Treasurer until Saturday, the 30th inst., on which day he was carrying it about with him in his pocket until late in the evening, when he was induced to hand it to the present Governor of the State. The bond itself, however, is of but little value, as your committee are informed that the makers of it are not worth its penalty.

There has been no record kept by any officer of the State of the number and amount of the bonds issued or indorsed by the State in favor of the various railroads entitled by law to the aid of the State except as to the loan of bonds to the Montgomery and Eufaula Railroad Company, three hundred thousand dollars in amount, and the indorsement of bonds in favor of the Mobile and Montgomery Railroad Company. This fact has prevented your committee from ascertaining the extent of the liability of the State under the laws authorizing the use of her name in aid of railroad companies. Not even an approximate estimate of the contingent indebtedness of the State can be made, because of the sedulous care with which the late administration of the State veiled its transac-

tions in railroad bonds ; but enough, however, is known to convince the committee that that indebtedness is alarmingly large and threatens bankruptcy and ruin to the State.

The testimony on which the committee have acted has been taken down in writing as well as it has been possible, under the circumstances, to do, and is submitted in connection with this report. The late Treasurer of the State, from whom the committee expected to get important information concerning the indorsement of railroad bonds under the general law on that subject, claimed, and was allowed, his constitutional privilege of refusing to testify as to the illegal indorsement of the bonds of any other company than the Alabama and Chattanooga Railroad, as his testimony would tend to criminate himself, and thereby the committee were disappointed in getting the desired information from him.

As to the bribery used by interested parties in inducing members of the House of Representatives of the last session of the General Assembly to support railroad bills, the investigations of the committee have been retarded by the absence from the State of important witnesses and other causes they could not control.

Mr. Jere Haralson, a member of this House, in his testimony, as shown therein, makes disclosures indicating some of the corrupt means by which the Alabama and Chattanooga Railroad Company procured the passage of the acts giving aid to that company ; and the testimony of Mr. Geo. B. Holmes tends to show that Mr. F. M. Gilmer, president of the South and North Alabama Railroad Company, paid John Hardy, chairman of the committee on internal improvements of the House of Representatives of the last General Assembly, the sum of thirty-five thousand dollars to secure the favor of the said Hardy toward a bill in aid of said company then pending before the said committee.

As to all the particular matters shown by the evidence, attention is called to the summary of the testimony herewith submitted.

All of which is respectfully submitted.

TAUL BRADFORD, Chairman,
B. B. LEWIS,
R. K. BOYD,
W. C. OATES,
NAT. STRAUSS,
JOHN A. STEELE.

REPORT OF MESSRS. LEWIS, BOYD AND STEELE.

Be it resolved by the House of Representatives, (the Senate concurring,) That the doctrine and practice of repudiation of just and lawful debts by States and Nations, should ever be condemned and avoided; and we pledge ourselves to defend and maintain the credit and good name of Alabama, and are ready to provide all necessary means to meet her constitutional obligations.

SEC. 2. *Be it further resolved,* That we recognize the binding force and validity of the several acts of the last General Assembly of the State loaning the credit of the State by indorsement on security in aid of railroads; and we hereby pledge ourselves to assist the Executive Department of the State in the faithful and prompt execution of the aforesaid acts so long as the same remain in force.

SEC. 3. *Be it further resolved,* That, in the opinion of the General Assembly, the act authorizing the issuance of two millions of State bonds in favor of the Alabama & Chattanooga Railroad Company, approved February 11, 1870, is unconstitutional, null and void; and all bonds issued by virtue of said act are void *ab initio* on that account, as well as by reason of the fact that their issuance was made in palpable violation of the fundamental conditions set forth in said act; and the State is not bound to pay the same: *Provided, nevertheless,* that if it should be determined either by the supreme judicial department of this State, or of the United States, that the said act was constitutional, and that said bonds were lawfully issued, or that the same had passed into the hands of *bona fide* holders, not chargeable with notice of any irregularity or want of authority on the part of the agents of the State who put them in circulation, then we pledge ourselves to meet promptly all the indebtedness of the State, whether for principal or interest due thereon, by appropriation or otherwise.

SEC. 4. *Be it further resolved,* That, in the opinion of this General Assembly, the act incorporating the Alabama & Chattanooga Railroad Company by the consolidation of the Wills Valley Railroad with the North-east and South-west Railroad, and providing for the indorsement by the State of the bonds of such company, approved October 6, 1868, is unconstitutional, null and void; and the Alabama & Chatta-

nooga Railroad Company was never incorporated under the laws of Alabama, and was not entitled to any indorsement of its bonds by the State, and such indorsements, if ever made, were unauthorized and illegal: *Provided, nevertheless*, that if it should be determined by the Supreme Court of this State or of the United States, that the said Alabama & Chattanooga Company had a legal existence under the Constitution and laws of Alabama, and was legally entitled to such indorsements, and that their said bonds were indorsed by the lawful agents of the State and negotiated in the manner and upon the terms prescribed in said acts allowing such indorsements, then we stand pledged and ready to meet fully, by appropriation or otherwise, every liability of the State on such indorsements.

SEC. 5. *Be it further resolved*. That the Governor of the State is hereby authorized and instructed in any test case on said bonds mentioned in sections 3 and 4 of these resolutions, or any coupons thereof, to facilitate in every legal and practicable way the early determination of the question of the liability of the State on the same.

B. B. LEWIS,
R. K. BOYD,
JOHN A. STEELE.

[No. 3.]

MR. BRADFORD'S REPORT.

To the Speaker of the House of Representatives:

MR. SPEAKER: The undersigned, as a member of the special committee of this House on investigation of railroad matters, begs leave to submit as his report the accompanying preamble and bill.

TAUL BRADFORD.

A BILL, to be entitled an Act to provide for the investigation of the liability of the State on account of aid to railroad companies, and to pay what may be found to be justly due from the State on account of interest alleged to be due for six months, on certain bonds loaned, and on certain bonds indorsed, by the State in aid of the Alabama & Chattanooga Railroad Company.

WHEREAS, It is alleged that two millions of bonds have been issued by the State of Alabama and loaned to the Ala-

bama & Chattanooga Railroad Company; and that a large amount of the bonds of the Alabama & Chattanooga Railroad Company have been indorsed by the State of Alabama, and that interest upon all of said bonds for the period of six months, fell due on the first day of January, 1871, and that said company failed to pay said interest; and whereas, it is alleged that the State of Alabama has indorsed, in a large amount, the bonds of other railroad companies, and has, besides, loaned bonds to the Montgomery & Eufaula Railroad Company; and whereas, these matters are not known to be true, no records of them having been kept by the State, and they deeply concern the welfare and honor of the State of Alabama; and whereas, we hold it to be a sacred duty to pay all the just debts of the State, when ascertained: Therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Levi W. Lawler, Edmund W. Pettus and David Clopton be, and they are hereby authorized and empowered, as Commissioners of this State, to inquire into and decide upon the liability of this State, on account of the loan of bonds by the State to the Alabama & Chattanooga Railroad Company, and the indorsement by the State of the bonds of said company. And, if the said Commissioners shall decide that the State of Alabama is justly and legally liable to pay the holders of the aforesaid bonds, the semi-annual interest on said bonds, which, it is said, fell due on the first day of January, 1871, or any part of such interest, then it shall be the duty of the Governor, and he is hereby required, to negotiate a loan on bonds of the State, maturing in not less than two years from the first day of March, 1871, and bearing interest at a rate not greater than seven per centum per annum, and therewith pay off the interest the said Commissioners may certify to him to be a just and legal debt of the State.

SEC. 2. *Be it further enacted*, That it shall be the duty of the said Commissioners to take, and to preserve in writing, all the evidence accessible to them, touching the loan or indorsement of bonds by the State in favor of the Alabama and Chattanooga Railroad Company and in favor of any and all other railroad companies, showing how, and when, and where, and by whom, and under what circumstances, and in what numbers and series such bonds were signed, or executed, or indorsed, and how and by whom they were first negotiated; and to inquire into what laws it may be claimed by said com

panies or the holders of said bonds authorized the loan or indorsement of said bonds by the State; and whether or not said bonds were loaned, or indorsed, or sold, or negotiated according to law; and whether any, or what ones of them are legal obligations of the State; and to make full report of their investigations and decisions, and to submit the same as early as practicable to the Governor; but their report as to the obligations of the State on account of the Alabama and Chattanooga Railroad Company must be first of all their reports made out and certified by them and submitted to the Governor, that the liability of the State, if any exists, as to interest already due on account of aid by the State as to said company, may be paid as aforesaid.

SEC. 3. *Be it further enacted*, That the report of the said Commissioners shall not be conclusive on the State as to the decisions they may make, except as to the interest that may be paid by the Governor as hereinbefore provided for; but their reports shall be submitted to the General Assembly, at its next session, by the Governor, who shall accompany the same with his opinion of the matters set forth in said report; to the end that the General Assembly, at its next session, may, upon the report of the said Commissioners and the accompanying opinion of the Governor, determine, by appropriate legislation, what the duty and honor of the State require to be done in the premises.

SEC. 4. *Be it further enacted*, That the Governor is hereby required to give certificates to the said Commissioners severally, under the great seal of the State, setting forth the fact that they have been appointed Commissioners as aforesaid, and embodying a transcript of this act, as evidence of their authority and duties under this act. And, in case any one of said Commissioners should fail or refuse to act under this law, then the Governor is authorized to supply his place by the employment of some other person.

SEC. 5. *Be it further enacted*, That the report of the said Commissioners be placed and filed by the Governor in the office of the Auditor of the State, and thereafter must constitute a part of the public records of the State.

SEC. 6. *Be it further enacted*, That the Governor is authorized to direct the Auditor to draw his warrant on the Treasurer for the sum of two thousand dollars, or a smaller sum, for the purpose of defraying the expenses of said Commissioners; that the Auditor shall draw such warrant and the Treasurer

shall pay the same out of any moneys in the treasury not otherwise appropriated; and the compensation of said Commissioners shall be provided by the next General Assembly.

[No. 4.]

MR. DUSTAN'S REPORT.

The undersigned, a member of the Committee, for himself protests against such portions of the report of the Committee as at all reflect upon the purity of the motives that governed the late Executive in his official action upon the matters considered by the Committee.

He also protests against the bill or resolution accompanying the report, and presents for himself the preamble and bill accompanying this, and recommends the adoption of the same by the House.

C. W. DUSTAN.

The development of the natural wealth of Alabama, always desirable, has been made indispensable to the credit of the State and the welfare of its people, by the losses and misfortunes of the last ten years.

This indispensable development cannot be effected without the credit of the State. It cannot be effected with the credit of the State unless that credit is preserved untarnished.

Striking and encouraging progress in this development has been made within the last two years by the aid of the credit of the State. The mineral regions of the State, abounding in inexhaustible natural wealth, are already penetrated and traversed by at least one grand trunk railway running from north-east to south-west through the State; and with wise legislation will soon be penetrated by at least one more grand trunk railway running from north to south and crossing the other near the centre of the grand mineral region.

The complete preservation of the State credit now, and its enlightened use *without any increase of State liability not already authorized*, will certainly secure to the people of Alabama the manifold benefits and blessings of the long needed system of railways.

Any impairment of State credit at this important period in our history endangers, if it does not destroy, these very internal improvements, without which Alabama can never be

anything in comparison to what Alabama must be with them.

It was for the sake of securing to the people the essential advantages of these internal improvements that the very State liabilities were incurred, a small part of which has matured and remains unpaid, notwithstanding the State has ample means to pay the same. Therefore,

Be it enacted by the General Assembly of Alabama, That the Governor of this State be, and he is hereby authorized and required, without unnecessary delay, to pay any portion of the interest upon the bonds or indorsements of the State heretofore loaned in aid of railroads, which has matured and remains unpaid, and that for this purpose the Governor is hereby authorized to effect a temporary loan by the issue of the State bonds, to fall due within a period not longer than two years, and at a rate of interest not exceeding seven per cent. per annum.

[No. 5.]

REPORT OF W. C. OATES.

WHEREAS, On the first day of January last the Alabama and Chattanooga railroad company failed to pay the semi-annual installment of interest then due upon two millions of dollars of the bonds of the State of Alabama, loaned to said company to aid in the construction of their said road, and a large amount of the bonds of said company endorsed by the State of Alabama, (the number and amount of which are unknown, but supposed to be about four and a-half millions;) and

Whereas, His Excellency R. B. Lindsay, Governor of Alabama, actuated by the highest motives of patriotism, declined to pay the interest on said bonds until the same could be brought to the attention of the General Assembly; and

Whereas, The House of Representatives, on the 18th inst., raised a committee for the investigation thereof, and the evidence submitted by said committee with their report, justifies the opinion and belief that the passage of the act approved February 11, 1870, to lend the credit of the State to the extent of two millions of dollars of the bonds thereof to said company, was procured by fraud, corruption and bribery—yet, in the opinion of the undersigned, as a member of said committee, the same constitute a binding legal obligation upon the State; and

Whereas, The evidence adduced before said committee is unsatisfactory with reference to the number and amount of the bonds of said company which have been endorsed by the State, and as to the amount thereof negotiated by said company to *bona fide* innocent purchasers for valuable consideration ; and

Whereas, In the opinion of the undersigned, the State is neither legally nor morally bound for the payment of the interest past due upon any of the endorsed bonds of said company, which may now be, or which were held by said company or any of its directors or officers, on the first day of January, 1871, or which were hypothecated by said company or any of its officers or directors at a less sum than ninety cents on the dollar ; and,

Whereas, The General Assembly reposes the utmost confidence in the capacity, patriotism and honesty of the Governor ; therefore,

Resolved by the General Assembly of Alabama, That the Governor be, and he is hereby authorized by temporary loan or otherwise, to raise a sufficient amount, and as soon as practicable, pay the interest upon the two millions of dollars of bonds loaned by the State to the said Alabama and Chattanooga Railroad company, due January 1st, 1871 ; and that the Governor be, and he is hereby further authorized in like manner, to provide for the payment of the interest falling due January 1st, 1871, upon the bonds of the Alabama and Chattanooga Railroad Company, endorsed by the State, which were negotiated, sold or hypothecated for ninety, or more than ninety cents on the dollar to *bona fide* innocent purchasers or holders thereof before the first day of January, 1871 ; but in no event to pay any interest on any of said endorsed bonds which are or were held by the said Alabama and Chattanooga Railroad Company, or any of its directors or officers, on the first day of January, 1871.

Be it further resolved, That the State of Alabama will, in the future, as she has ever done in the past, promptly meet and discharge all of her legal liabilities, however recklessly or improvidently incurred.

W. C. OATES.

Mr. Lowe offered the following resolution ;

Which was adopted :

Resolved, That five hundred copies of each of the several

reports, bills, resolutions, together with the evidence, submitted by the Special Committee on railroads, be immediately printed for the use of this House, and that the consideration of said reports, resolutions, evidence, &c., be laid upon the table until Wednesday next, 12 o'clock, and made the special order for that day.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has passed the following House bill :

For the relief the widow and heirs of David Owen, deceased.

The Senate has originated and passed the following bills—

To legalize and confirm the sale of land for delinquent taxes in the county of Madison ;

To authorize William Garrett, late Secretary of State, to make return lists from registers and journals in the State Department and State Library to aid in the completion of a roll of public officers and members of the Legislature in the State, to form a part of his *Reminiscences of Public Men in Alabama* for thirty years ;

To permanently locate the county site of Russell ;

To authorize F. M. Lester, administrator *de bonis non* of the estate of Joshua Lester, to sell the lands belonging to said estate ;

To repeal section 479 of the Revised Code of Alabama ;

In relation to the issue of county bonds in aid of any railroad in this State ;

To establish an Agricultural College in the State of Alabama ;

To repeal an act entitled an act to incorporate the Tuska-loosa Scientific and Art Association for the purpose of encouraging science and art, and establishing a scientific museum ;

To authorize Martha E. Oslin, formerly Martha E. McBrayor, widow of George S. McBrayor, deceased, and William S. Oslin, guardian of the minor heirs of George L. McBrayor, deceased, to sell the lands belonging to the estate of George L. McBrayor, deceased, at private or public sale, for a division thereof, &c.

M. P. BLUE,
Secretary of the Senate.

Mr. Lewis, by leave, offered the following resolution ;
Which was adopted :

Resolved by the House of Representatives, That one thousand copies of the annual report of the officers of the Alabama Insane Hospital, for the year 1870, be printed ; five hundred of which, shall be reserved for use of the House, and five hundred for general distribution by the superintendent of the Hospital.

The Speaker announced the following as the Committee on the part of the House on the revision of judicial circuits :

Mr. Powell from the 11th circuit ; from the 1st, Mr. Dushkin ; the 2d, Mr. Doster ; the 3d, Mr. Wyman ; the 4th, Mr. Steele ; the 5th, Mr. Lowe ; the 6th, Mr. Semmes ; the 7th, Mr. Smith of Choctaw ; the 8th, Mr. McCall ; the 9th, Mr. Henry ; the 10th, Mr. Bradford ; the 12th, Mr. Crook.

The Senate bills—

To incorporate the town of Attalla in Etowah county ;

To alter and amend the charter of the town of Decatur, in Morgan county, Alabama ;

Were read the first and second times forthwith, and referred to the Committee on Corporations.

The Senate bills—

To make Edna J. Cross, wife of Cyprian R. Cross, of the county of Talladega, and State of Alabama, a free-dealer ;

For the relief of Joseph L. Hall of Autauga county, and Wm. A. McBryde of Pike county ;

Were severally read the first and second times forthwith, and referred to the Committee on Local Legislation.

The Senate amendments to the House bill—

To incorporate the town of North-Port, in the county of Tuscaloosa ;

Were concurred in.

The message of the Governor, transmitting information under resolution of the House, in relation to the financial condition of railroads,

Was referred to the Special Committee on Railroads.

Mr. Lewis, by leave, from the Judiciary Committee, reported an amendment to the substitute offered by the Committee for the House joint resolutions, authorizing the continuation and purchase of Smith's Condensed Reports ;

Amended, by striking out, in the 15th line of the first section, the words "of the officers ;"

Adopted.

The substitute, as amended, was adopted ;

Read the third time and passed ;

Yeas 32, nays 42.

The resolutions were ordered to the Senate.

Those who voted yea are—

Messrs. Alley, Boyd, Bradford, Bulger, Bullock, Carlin, Clements, Cowan, Craig, Curtis, Doster, Dozier, Duskin, Gas-kin, Green, Gunn, Hamilton, Haralson, Henry, Hewitt, Hodo, Holmes of Baldwin, Johnson of Dallas, Kennedy, Lewis, Lowe, Miller, Nininger, Oates, Rice, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, St. Clair, Steele, Taylor Winston, Toulmin, Weatherford, Wells, Williams and Wyman---42.

Those who voted nay are—

Messrs. Appleton, Black, Carmichael, Clark, Cochran, Davis, Ellison, Etheridge, Gee, Grayson of Clarke, Grayson of Madison, Harmount, Henderson, Hitchcock, Howell, Johnson of Coosa, Leath, McCall, McCaskey, McDermott, Moore, Payne, Perrin. Semmes, Simms, Speake, Speed, Strobach, Taylor of Lauderdale, Toomer, Ware and White—32.

Mr. Bulger, by leave, offered the following resolution ;

Which was adopted :

Resolved, That the Clerk of the House be instructed to notify His Excellency, the Governor, and the President of the Senate, of the election by this House of Hon. William C. Oates as temporary Speaker thereof, the Speaker being absent.

Leave of absence was granted Messrs. Bulger, Strauss, Alley, Nininger and St. Clair.

Mr. Moore, by leave, from the Committee on Local Legislation, reported favorably, with an amendment, to the bill—

To permanently locate the county-seat of Baker county.

Amend by striking out in the 5th section and inserting :

“ SECTION 5. *Be it further enacted*, That there shall be two places or localities in said county voted for at said election for said seat of justice, which shall be a place or locality immediately on the North and South Road, known as Baker's, and a place or locality known as Benson ; and the one of said places or localities receiving the highest number of votes at said election, shall be the permanent seat of justice of said county of Baker.”

The amendment was adopted ;

The bill read the third time forthwith and passed, and ordered to the Senate.

On motion of Mr. Leath,

The House adjourned till to-morrow morning 10 o'clock.

SATURDAY, February 4, 1871.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Murrah.

Journal of yesterday was read and approved.

Leave of absence was granted Messrs. Bradford and Ellison for three days each, and Mr. Graham for two days.

CALL OF THE COUNTIES.

Bills were introduced

By Mr. Johnson of Coosa—

To authorize Mrs. Sarah Thomas, widow of Bryant Thomas, and guardian of Wm. L. Thomas, a minor, and only heir of said estate, for reinvestment, without making settlements with the judge of probate until the minor is fourteen years of age ;

By Mr. Cochran (with petition)—

For the payment of attorneys in certain cases ;

By Mr. Oates (with petition)—

To repeal chapter 7, of title 3, of part 4, of the Revised Code of Alabama, so far as the same relates to the county of Henry ;

By Mr. Gilchrist—

To allow the sheriff or any one of his deputies to perform the duties of constable in certain cases ;

By Mr. Toulmin—

To amend section 1 of an act to empower the Governor to appoint notaries public ;

By Mr. Henry—

For the relief of the estate of Wm. T. Upshaw, deceased ;

By Mr. Hewitt—

To authorize and require the General Assembly to elect by joint vote a solicitor for each judicial circuit in the State, and to re-enact certain sections of the Revised Code therein named ;

By Mr. Wyman (with statement)—

To supply justices of the peace and notaries public with forms of proceedings ;

By Mr. Leath—

To enable circuit clerks to collect fees in certain cases therein named ;

Which were severally read the first and second times forthwith and referred to the Judiciary Committee.

By Mr. Johnson of Coosa—

To make Caroline Spigener and Mrs. Martha Ann Spigener, of Elmore county, free-dealers ;

By Mr. Weatherford—

For the relief of Nelly Crary, of Colbert county ;

By Mr. Cowan—

To authorize Martin Walker to erect a mill dam across Paint Rock River, in Jackson county ;

By Mr. Strobach—

For the relief of Thomas Merriwether, of the county of Montgomery, Ala. ;

By Mr. Henry—

To ratify and confirm all acts and things done and performed by the intendant and council of the town of Lafayette, in Chambers county, Ala. ;

By Mr. Clements—

To make Mrs. Marcilla F. Turner, of Tuskaloosa county, a free-dealer ;

Which were severally read the first and second times forthwith and referred to the Committee on Local Legislation.

By Mr. Appleton (with petition)—

To authorize an election to be held in the county of DeKalb for the permanent location of the county-seat of said county ;

Which was read the first and second times forthwith, and referred to the Committee on Local Legislation, with instructions to report on Monday next.

By Mr. Marlowe—

To authorize the mayor and council of the city of Selma to provide for the bonded and other debts of said city ;

By Mr. Mooring (with petition)—

For the relief David H. Williams, of Sumter county ;

By Mr. Holmes of Baldwin (with petition)—

To incorporate the town of Henshaw, Baldwin county ;

Which were severally read the first and second times forthwith and referred to the Committee on Corporations.

By Mr. Weatherford—

To abolish the office of tax collector of Franklin county ;

Also—

To abolish the office of tax assessor in Franklin county ;

Also—

To divide Franklin county into four commissioners districts ;

Also—

To provide for the pay of members of the board of equalization of Franklin county ;

Also—

To define subdivision 10, of section 112, of the revenue laws of the State of Alabama ;

By Mr. Raisler—

To restrain the tax collector of Limestone from collecting certain taxes therein named ;

By Mr. Ware—

To amend subdivision 16, of section 3, of an act to establish revenue laws of the State, approved 31st December, 1868 ;

Which were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

By Mr. Gilchrist—

To amend section 2960 of the Revised Code.

By Mr. Toomer—

To amend section 2239 of the Revised Code.

By Mr. Murrah--

To limit the liability of railroad companies for stock killed or injured ;

Which were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of the Laws.

By Mr. Henderson—

To regulate the payment of fines and forfeitures in the county of Wilcox ;

Which were read the 1st and 2d times forthwith and referred to the Committee on Fees and Salaries.

By Mr. Lowe—

For the relief of A. B. James and A. E. M. James, his wife.

By Mr. Hodo—

To amend section 2 of an act to incorporate the Stafford Mills, of Pickens county.

By Mr. Mooring—

To prevent the sale of spirituous liquors within two miles of Brewersville Academy, in Sumter county ;

Which were read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Dustan—

To change the county line between the counties of Hale and Marengo ;

Which was read the first time.

On motion of Mr. Bullock,

It was indefinitely postponed.

Mr. Rice, from the committee on Enrolled Bills, reported the following as correctly enrolled :

For the relief of the widow and heirs of David Owen, deceased ;

To incorporate the town of North Port, in the county of Tuskaloosa.

Mr. Lewis, by leave, from the Committee on Corporations, reported favorably to the bill—

To revive an act to incorporate the town of Columbiana, in Shelby county ;

Which was read the third time forthwith, and passed.

Mr. Grayson of Clarke, from the Committee on Accounts and Claims, reported favorably to the following bills :

Joint resolution for the relief of J. & B. Trimble, of Montgomery county ;

For the relief of LaFayette F. Reed, of Etowah county ;

Also, to the Senate bill---

To pay Johns & Naftel for work done in the Senate Chamber of Alabama ;

Which were severally read the third time forthwith, and passed.

Also, reported a bill covering an account of M. M. Cooke against the State of Alabama, which account had been referred to said Committee. The title of the bill reads as follows :

For the relief of M. M. Cooke ;

Which bill was read the first, second and third times forthwith, and passed.

Mr. Payne, from the Committee on Public Roads and Highways, reported favorably to the bill—

To authorize the courts of county commissioners to alter or change the direction and character of macadamized, turnpike, or plank roads.

The bill was read the third time forthwith and passed.

Also, adversely to the bills—

To enable the commissioners' court of Sumter county to erect bridges, and to make the same preferred claims against the county;

To relieve the trustees of free public schools from road working and serving on juries.

The reports were severally concurred in.

Also, favorably, with amendments, to the bill—

Requiring the justices of the peace of Geneva county to act as apportioners and supervisors of public roads in their respective beats.

Amend section 3 by striking out the word "same," and inserting in lieu thereof, in the 5th line, the words, "original copy, with his endorsement thereon."

Amend section 3 by adding thereto the words, "which copy shall be filed in the office of the judge of probate, and shall be *prima facie* evidence of appointment of overseers in any suit at law or indictment against them as such."

Amend section 5 by striking out all after the word "act," in the fourth line.

The amendments were adopted.

On motion of Mr. Davis,

It was further amended to make its provisions applicable to Randolph county.

As amended, the bill was read the third time forthwith, and passed.

The hour of 12 o'clock having arrived—

On motion of Mr. Strobach,

The orders of the day were suspended to allow committees to report.

Mr. Payne, from the same committee, reported adversely to the bill—

To provide for a more efficient system of working on public roads in Montgomery county.

The report was concurred in.

Mr. Toomer moved to reconsider the vote by which the House concurred in the adverse report;

Lost.

Mr. Carmichael, from the Committee on the Revision of the Laws, reported adversely to the bill—

To amend section 2704 of the Revised Code of Alabama.

The report was concurred in.

On motion of Mr. Hewitt,

The vote concurring in the adverse report was reconsidered.

On motion of Mr. Smith of Choctaw,

It was postponed till Tuesday next, and made the special order for 12 o'clock.

Also, adversely to the bills—

To amend section 2409 of the Revised Code of Alabama;

To repeal chapter 4, title 6, part 2, of the Revised Code;

To require certain officers to pay into the county treasury of their respective counties all costs other than those they are entitled to receive for services rendered in certain cases;

To amend section 4249 of the Revised Code in respect to the qualification of bail;

To authorize executors and administrators to sell growing crops;

To amend subdivision 2 of section 2293 of the Revised Code;

To amend sections 1898 and 1901 of the Revised Code;

To repeal sections 28 and 29 of the Revised Code;

The reports were severally concurred in.

Also, favorably, with amendment, to the bill—

To amend section 1323 of the Revised Code.

Amend by adding the following section :

Sec. 2. *Be it further enacted*, That section 1323, so amended, be, and the same is hereby repealed.

The amendment was adopted, the bill read the third time forthwith, and passed.

Also, favorably, with amendment, to the bill—

To prohibit attorneys, in certain cases, from practising their profession in probate and chancery courts.

Amend by adding the following sections :

Sec. 2. *Be it further enacted*, That any one violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction of the same, shall be fined not less than five hundred dollars, and may be imprisoned in the county jail not exceeding six months, one or both, at the discretion of the jury trying the same.

“Section 3. That for each conviction under the foregoing sections of this act, the solicitor shall be entitled to a fee of one hundred dollars, to be taxed as cost against the defendant.”

The amendment was adopted, the bill read the third time and passed, under a suspension of the constitutional rule.

Also, favorably, with amendment to the bill—

To amend section 3315 of the Revised Code ;

Amend by adding—

“Section 2. Be it further enacted, That section 3315, so amended, be and the same is hereby repealed.”

The amendment was adopted, the bill read the third time forthwith and passed.

Also, favorably to the following bills—

To repeal an act to increase the compensation of executors, administrators and guardians and county court commissioners, in Lauderdale county, approved February 19th, 1867 ;

To repeal section 1099 of the Revised Code of Alabama, so far as the same relates to Limestone county ;

To prohibit the dealing in county claims by public officers ;

To authorize executors and administrators to compromise or sell claims due estates ;

To amend an act in relation to chancery courts.

And Senate bill—

To authorize Mrs. Elizabeth Amanda Mabrey, administratrix of the estate of Joshua R. Mabrey, deceased, to sell certain lands in Dale county, Alabama ;

The bills were severally read the third time forthwith and passed.

Also, asked to have recommitted to the Committee on Privileges and Elections, the bill—

To require electors in this State to vote in the precinct in which they may reside ;

The House refused to concur in the report, and the bill was recommitted to the Judiciary Committee.

Also, adversely to the bills—

To amend section 3300 of the Revised Code ;

To amend section 3307 of the Revised Code ;

The further consideration of the bills was postponed, and made the special order for Monday 12 o'clock, m.

Also, favorably to the bill—

To prevent prosecution of persons who may have testified before the House committee of inquiry into liability of the State on account of railroad bonds.

On motion of Mr. Boyd, it was postponed till Monday next, 12 o'clock m., and made the special order for that hour.

Also, reported a substitute for the bill—

To legalize the marriage of James M. Bankston and Elizabeth Hardy, of the county of Jefferson.

On motion of Mr. Johnson of Coosa, the report, bill and substitute, were laid on the table.

Mr. Toomer, by leave, introduced a bill—

For the relief of George W. Henderson of Lee county ;

Which was read the first and second times forthwith and referred to the Committee on Local Legislation.

On motion of Mr. Haralson—

The House adjourned till 10 o'clock Monday morning.

MONDAY, February 6, 1871.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Gwinn.

Journal of Saturday was read and approved.

Mr. Toulmin moved to reconsider the vote by which the House concurred in the adverse report of the Committee on Revision of the Laws, to the bill—

To amend sub-division 2 of section 2293 of the Revised Code ;

The motion prevailed, and the bill was recommitted to said committee.

On motion of Mr. Carmichael, the vote by which the House concurred in the adverse report of the same committee to the bill—

To require certain officers to pay into the county treasuries of their respective counties, all costs other than such as they are entitled to receive for services rendered in certain cases, was reconsidered and the bill recommitted to said committee.

Leave of absence was granted to Mr. Mooring for one day, and to Mr. Taylor of Winston, for one day.

On motion of Mr. Crook, the report of the Committee on Agriculture and Commerce in favor of the bill, with amendments—

To protect the planters of this State from imposition in the sale of fertilizers, which was made the special order for this day, was taken up ;

Amend section 3d by making its provisions applicable to fertilizers manufactured in this State ;

Adopted.

Amend the 4th section by making the compensation one dollar per ton.

On motion of Mr. Grayson of Madison, the second amendment proposed by the committee, was amended so as to make the compensation seventy-five cents ;

As amended, the amendment was adopted.

Mr. Marlowe moved to amend by striking out the word "agricultural" before "chemist," and inserting "practical ;" Lost.

The bill was read the third time forthwith and passed.

CALL OF THE COUNTIES.

Bills were introduced by,

Mr. St. Clair, by leave—

To allow interest on all claims against Macon county.

By Mr. Smith of Choctaw—

To legalize the sale of certain lands in Alabama.

By Mr. Smith of Greene—

For the relief of Newton F. Smith, tax collector of Greene county, and the sureties on his official bond ;

Which were severally read the first and second times forthwith and referred to the Committee on Ways and Means.

By Mr. McCall—

To change the county line between the counties of Macon and Bullock.

By Mr. Appleton—

Joint resolutions to retain the old line between the counties of Jackson and DeKalb ;

Which were severally read the first and second times forthwith and referred to the Committee on Counties and county Boundaries.

By Mr. Speed—

To prevent the sale of spirituous liquors within two miles of Nappa Church, on Line Creek, in Bullock county.

By Mr. Marlowe—

To amend and ratify the charter of the Central Agricultural and Mechanical Association, at Selma, Alabama.

By Mr. Green, with petition—

To repeal an act entitled an act incorporating the town of Newberne, Greene county, approved December 14th, 1859 ;

Which were severally read the first and second times forthwith and referred to the Committee on Corporations.

By Mr. Ware—

To make Mrs. Elizabeth M. Howell, of Chambers county, a free-dealer ;

By Mr. Smith of Choctaw—

To amend section 2, and to add additional sections to an act to authorize M. L. Young to improve the navigation of Bassett's creek, in Washington county, Alabama, approved February 19, 1867 ;

By Mr. Hurt—

To regulate legal notices in the county of Jackson ;

Which were severally read the first and second times forthwith and referred to the Committee on Local Legislation.

By Mr. Leath—

To authorize Catherine S. Hughes, administratrix of Joseph Hughes, late of Cherokee, now Etowah, county, to sell the real estate belonging to said estate at public or private sale ;

By Mr. Mancill—

To amend lines 13 and 14 of section 4339 of the Revised Code of Alabama ;

Which were severally read the first and second times forthwith and referred to the Judiciary Committee.

By Mr. Leath—

For the relief of John A. H. Caddell, of the county of Etowah, Alabama, of non-age ;

By Mr. Smith of Choctaw---

To authorize the executors of the last will and testament of F. L. Denson, deceased, to sell certain lands at private sale ;

By Mr. Oates---

To declare H. M. Hunter, a liner between the counties of Barbour and Russell, and to invest him with certain rights therein named ;

Which were severally read the first, second and third times forthwith and passed.

By Mr. Marlowe---

To amend section 3734 of the Revised Code of Alabama ;

Which was read the first and second times forthwith, and referred to the Committee on Revision of Laws.

By Mr. Oates---

To amend the charter and change the name of the Montgomery Mechanics' Association ;

Which was read the first and second times forthwith.

Mr. Haralson moved to amend by striking out " one hundred dollars," in the 3d section, and inserting " one thousand dollars ;"

Lost.

Mr. Oates moved to amend by adding the following :

“ Provided further, That this section shall not be construed as to relieve said association from payment of licenses for races over the race course of said association ;”

Adopted.

Mr. Toomer moved to amend by adding the following :

“ Provided further, That all new powers herein granted may be revoked by any subsequent legislature of the State of Alabama ;”

Adopted.

Mr. Haralson moved to amend by striking out the words “ one hundred,” in the 3d section, and inserting “ five hundred (500).”

The amendment, with the bill, was referred to the Committee on the Judiciary.

Mr. Hurt, by leave, offered the following resolution ;

Which was adopted :

Resolved, That all the laws of this State granting aid to railroads, by loans, indorsements or otherwise, be referred to the Committee on Internal Improvements, with instructions to inquire what, if any, further legislation in relation to State aid to railroads is necessary to protect the State against loss, and report by bill or otherwise.

Those who voted in favor of the adoption of the resolution are---

Messrs. Speaker, Appleton, Ashurst, Bassett, Benson, Black, Box, Boyd, Bullock, Callaway, Carlin, Carmichael, Clark, Clements, Cowan, Crook, Curtis, Davis, Diggs, Doster, Dustan, Etheridge, Gee, Gilchrist, Grayson of Clarke, Grayson of Madison, Green, Hamilton, Haralson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Dallas, King, Leath, Lowe, McCall, McCaskey, McDermott, Mancill, Miller, Murrah, Oates, Payne, Perrin, Powell, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Speed, St. Clair, Steele, Strobach, Taylor of Lauderdale, Thompson, Toomer, Toulmin, Ware, Weatherford, Wells, White, Williams and Wyman—74.

Mr. Gaskin voted in the negative—1.

The hour of twelve o'clock having arrived,

The special order for this hour being the concurrence in the adverse reports of the Committee on Revision of the Laws to the bills—

To amend section 3300 of the Revised Code of Alabama;
 To amend section 3307 of the Revised Code of Alabama;
 The House concurred in the adverse reports.

The next special order being the consideration of the bill—

To prevent the prosecution of persons who may have testified before House committee of inquiry into liability of the State on account of railroad bonds;

It was made the special order for Thursday, the 9th inst.

The bill—

To regulate the fees of executors and administrators,

Was taken up and lost;

Yeas 24, nays 42.

Those who voted in favor of the passage of the bill, are---

Messrs. Appleton, Boyd, Bullock, Clements, Cowan, Henry, Hewitt, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Leath, Oates, Simms, Smith of Greene, Speake, Steele, Taylor of Lauderdale, Toomer, Toulmin, Weatherford, White, Williams and Wyman—24.

Those who voted in the negative are—

Messrs. Speaker, Alley, Ashurst, Benson, Box, Callaway, Carmichael, Clark, Crook, Dozier, Duskin, Etheridge, Gee, Grayson of Clark, Grayson of Madison, Green, Gunn, Hamilton, Haralson, Hitchcock, Hodo, Johnson of Dallas, King, Lewis, McCall, McDermott, Mancill, Marlowe, Miller, Murrah, Perrin, Powell, Raisler, Rice, Semmes, Smith of Choctaw, Smith of Sumter, Smitherman, Speed, St. Clair, Ware and Wells—42.

The Senate bill—

To permanently locate the county seat of Russell,

Was read the first and second times forthwith.

On motion of Mr. Toomer,

It was laid on the table.

The Senate bills--

To authorize Martha E. Oliver (formerly Martha E. McBrayor, widow of George L. McBrayor, deceased,) and William S. Oslin, guardian of the minor heirs of George L. McBrayor, deceased, to sell the lands belonging to the estate of George L. McBrayor, deceased, at private or public sale, for a division thereof, &c.;

To repeal an act entitled an act to incorporate the Tuska-loosa Scientific and Art Association, for the purpose of encouraging science and art, and establishing a scientific museum;

To authorize F. M. Lester, administrator *de bonis non* of the estate of Joshua Lester, to sell the lands belonging to said estate ;

Were severally read the first and second times forthwith and referred to the Judiciary Committee.

To establish an agricultural college in the State of Alabama,
Was read the first and second times forthwith and referred to the Committee on Education.

In relation to the issue of county bonds in aid of any railroad in this State ;

Was read the first and second times forthwith, and referred to the Committee on Internal Improvements.

The Senate bill—

To authorize William Garrett, late Secretary of State, to make certain lists from registers and journals, in the State Department and State Library, to aid in the completion of a roll of public officers and members of the Legislature in the State to form a part of his *Reminiscences of Public Men in Alabama*, for thirty years ;

Was read the first, second and third times forthwith, and passed.

The Senate bill—

To legalize and confirm the sale of land for delinquent taxes, in the county of Madison ;

Was read the first and second times forthwith, and referred to the committee on Ways and Means.

Mr. Oates, from the Committee on Ways and Means, reported a bill—

To establish revenue laws for the State of Alabama ;

Which was read the first time, and made the special order for Monday the 13th of February, and 200 copies ordered to be printed.

Mr. Lewis, from the Judiciary Committee, reported favorably to the bill—

To repeal an act entitled an act to amend sections 4377 and 4390 of the Revised Code of Alabama, and to re-enact certain sections of the Revised Code of Alabama ;

For the relief of the estate of Burwell T. Pope, deceased, late judge of the 12th judicial circuit of the State of Alabama ;

To amend section 1998 of the Revised Code ;

Which were read the third time forthwith, and passed.

Also, adversely, to the bills—

To amend section 2877 of the Revised Code ;
 To amend section 2879 of the Revised Code ;
 The reports were severally concurred in.
 Also, favorably, with amendment. to the bill—
 To amend section 3439 of the Revised Code of Alabama ;
 Amended, by adding "Section 2d. Be it further enacted,
 That said section 3439, as it originally read, be, and the same
 is hereby repealed."
 The amendment was adopted ;
 The bill read the third time forthwith, and passed.
 On motion of Mr. Haralson,
 The House adjourned till to-morrow morning 10 o'clock.

TUESDAY, February 7, 1871.

The House met pursuant to adjournment.
 Prayer by Rev. Mr. Gwinn.
 Journal of yesterday was read and approved.

CALL OF THE COUNTIES.

Bills were introduced,
 By Mr. Hewitt, (with statement) —
 To appropriate the sum of seventy-four 94-100 dollars, out
 of any funds in the Treasury not otherwise appropriated, to
 pay the interest on the 16th section fund due township 15,
 range 2, west, for the county of Jefferson ;
 By Mr. Perrin—
 To relieve George O. Logan of Lowndes county, of the
 disabilities of non-age ;
 Which bills were severally read the first and second times
 forthwith, and referred to the Committee on Education ;
 Mr. Oates, from the Committee on Ways and Means, by
 leave, returned to the House the bill—
 To restrain the tax collector of Limestone county from col-
 lecting certain moneys therein named ;
 And it was recommitted to a Select Committee of five, con-
 sisting of Messrs. Boyd, Lewis, Hewitt, Powell and Lowe ;
 By Mr. Simms—
 To amend an act entitled an act to amend an act, approved
 26th January, 1858, entitled an act to incorporate the schools
 of Loachapoka, in Macon county, approved March 1st, 1870 ;

Which was read the first and second times forthwith, and referred to the Committee on Corporations.

By Mr. Gaskin—

To repeal an act entitled an act for the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama ;

Which was read the first and second times forthwith, and referred to the Committee on Agriculture and Commerce.

By Mr. Lowe—

To amend an act entitled an act to establish a new charter for the city of Huntsville, approved March 3d, 1870 ;

By Mr. Graham—

To amend section 4218 of the Revised Code, as to Perry county ;

By Mr. Hubbard—

To legalize the division of the assessment lists named therein ;

By Mr. Bulger—

For the relief of Carrie J. Edwards of Tallapoosa county ;

Which were severally read the first, second and third times forthwith, and passed.

By Mr. Davis—

To change the county line between the counties of Clay and Randolph ;

Which was read the first and second times forthwith, and passed by a two-thirds vote of the House.

By Mr. Dustan, (with petition)—

To declare J. W. Taylor, a liner between the counties of Hale and Marengo, a citizen of Marengo county ;

Which was read the first and second times forthwith and referred to the Committee on Counties and County Boundaries.

By Mr. Toulmin—

To authorize the Mobile and Ohio Railroad Company to purchase the railroad constructed by the Mississippi, Gainesville and Tuskaloosa Railroad Company ;

Which was read the first and second times forthwith, and referred to the Committee on Internal Improvements.

By Mr. Semmes—

For the protection of persons occupying rooms in hotels ;

By Mr. Thompson—

For the relief of justices of the peace of Montgomery county ;

Also---

To protect mortgagees ;

By Mr. Harmount—

To authorize the distributees of the estate of T. M. Cowles, to sell real estate at private sale ;

By Mr. Johnson of Coosa—

To regulate the holding of the office of county treasurer in Coosa county ;

By Mr. Haralson—

To prevent fortune-telling and the like in this State ;

Which were severally read the first and second times forthwith, and referred to the Judiciary Committee.

Mr. Thompson offered the following resolution ;

Which was adopted :

Resolved, That the Committee on the Capitol be, and they are hereby instructed to have hoisted on the Capitol the National Flag, daily, during the session of the present General Assembly.

By Mr. Graham—

For the relief of Caroline Selleck ;

By Mr. Hubbard—

To prohibit the assessment or collection of, or the appropriation of the tax of Pike county for the purpose of building a court-house ;

By Mr. Henry—

For the relief of Jerry A. Guy, of Lee county ;

By Mr. Ashurst---

To authorize Mrs. Mary Heywood to sell certain lands belonging to the estate of her husband, Henry Heywood, deceased, of Tallapoosa county ;

By Mr. Howell, (with statement)—

To authorize Mrs. Laura A. Copeland, of Cleburne county, to sell and make titles to certain land therein named,

By Mr. Kennedy—

To remove the disabilities of non-age from Martin Clitherrall Petty, of Sanford county ;

Which were severally read the first and second times forthwith, and referred to the Committee on Local Legislation.

By Mr. Curtis—

For the effectual suppression of the crimes of adultery and fornication ;

Which was read the first and second times forthwith,

Mr. Haralson moved to lay the bill on the table,

Lost.

Mr. Strobach moved to amend by striking out "two years," and inserting "penitentiary for life, with ball and chain."

Lost.

On motion of Mr. Strobach,

The further consideration of the bill was indefinitely postponed.

By Mr. Bulger—

To amend section 2196 of the Revised Code of Alabama ;
Which was read the first and second times forthwith, and referred to the Committee on Revision of Laws.

By Mr. White—

To reduce the levy of county taxes in the county of Clay ;
Was read the first and second times forthwith, and referred to the Committee on Ways and Means.

By Mr. Haralson---

To enforce sections 3614 and 3615 of the Revised Code.

Mr. Strobach moved to amend by making the punishment imprisonment in the penitentiary for life.

On motion of Mr. Haralson,

The amendment was laid on the table.

On motion of Mr. Strobach,

The bill was indefinitely postponed.

Mr. Speake offered the following resolution,

Which was adopted :

Resolved, That the Committee on Education, to which was referred the bill to pay the interest due on 16th section moneys of Jefferson county, be authorized to report by bill or otherwise the practicability of paying the interest on all 16th section money due and unpaid for the years 1868, 1869 and 1870.

By Mr. Mancill—

To declare Pigeon creek a public highway, as herein provided.

By Mr. Kennedy—

To prohibit justices of the peace from appointing overseers of public roads in Fayette county ;

Which were severally read the first and second times forthwith and referred to the Committee on Public Roads and Highways.

By Mr. Dustan—

To aid the Agricultural and Horticultural Society of West Alabama ;

Which was read the first and second times forthwith, and referred to the Committee on Ways and Means.

Message from the Governor, by Mr. Gindrat:

EXECUTIVE DEPARTMENT, }
Montgomery, Feb. 7, 1871. }

Mr. Speaker :

I am directed by his Excellency the Governor, to inform you that he has approved the following acts originating in the House of Representatives:

An act to authorize the corporate authorities of the city of Mobile to issue bonds to the amount of four hundred thousand dollars;

An act to repeal the 2d subdivision of section 77 of the Revised Code of Alabama;

An act to repeal an act entitled An act to regulate lotteries;

An act to amend section 11 of an act entitled An act to establish revenue laws for the State of Alabama;

An act to repeal an act entitled An act to enable certain officers to collect their fees, approved December 31, 1868;

An act for the relief of the widow and heirs of David Owen, deceased;

An act to amend section 1316 of the Revised Code;

An act to repeal an act approved February 7, 1870, to authorize the commissioners courts of Sumter, Perry and Greene counties to levy a special tax upon the property in said counties, for the purpose of working the public roads in said counties;

An act to repeal an act entitled An act to prevent camp hunting in Marion county, approved February 7, 1870.

JOHN H. GINDRAT,
Private Secretary.

Mr. Lewis, from the Judiciary Committee, reported favorably, with amendment, to the bill—

To fix the time of holding the chancery courts in the middle chancery division.

Amend by adding—

Sec. 2. *Be it further enacted*, That said section 3, as it now stands, be, and the same is hereby repealed.

The amendment was adopted, the bill read the third time forthwith and passed, and ordered to the Senate.

Also, adversely to the bill—

To repeal an act entitled An act to incorporate the Tuska-loosa Scientific and Art Association,

On motion of Mr. Semmes,

It was made the special order for Monday next, 12 o'clock.

Also, adversely to the bill—

To amend the law of partnerships.

Report was concurred in.

On motion of Mr. Powell, the Committee on Local Legislation was allowed to make three reports.

Mr. Moore, from the Committee on Local Legislation, reported a bill—

For the relief of persons therein named from the disabilities of non-age ;

Which was read the first and second times forthwith.

Mr. Wyman moved to amend by making the provisions of the bill applicable to all minors, of both sexes, in the State, over the age of eighteen years.

On motion of Mr. Strobach,

The amendment was laid on the table.

The bill was read the third time forthwith and passed, and ordered to the Senate.

Also, reported a bill—

To declare certain persons therein named free dealers ;

Which was read the first and second times forthwith.

Mr. Gunn moved to amend by adding—

And that the above free dealers shall be allowed to vote in the place of their husbands.

Mr. Boyd moved to amend the amendment by limiting its provisions to Morgan county.

On motion of Mr. Gaskin—

The amendment and the amendment thereto were laid on the table.

The bill was read the third time forthwith, and passed—yeas 46, nays 38.

Those who voted yea are—

Messrs. Speaker, Ashurst, Bassett, Benson, Black, Box, Boyd, Bulger, Bullock, Callaway, Carlin, Clark, Clements, Cowan, Curtis, Davis, Dustan, Etheridge, Gilchrist, Graham, Harmount, Henderson, Henry, Holmes of Sumter, Hurt, Johnson of Coosa, Kennedy, King, McCall, McCaskey, McDermott, Mancill, Miller, Moore, Nininger, Powell, Simms, Smith of Choctaw, Smith of Greene, Strobach, Thompson, Toomer, Ware, Weatherford, White and Williams—46.

Those who voted nay are—

Messrs. Alley, Appleton, Carmichael, Cochran, Dozier,

Duskin, Gaskin, Gee, Grayson of Clarke, Grayson of Madison, Green, Gunn, Hamilton, Haralson, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Howell, Johnson of Dallas, Leath, Lowe, Marlowe, Murrah, Oates, Perrin, Raisler, Rice, Semmes, Smith of Sumter, Smitherman, Speake, Speed, St. Clair, Taylor of Lauderdale, Toulmin, Wells and Wyman—38.

Message from the Senate by Mr. Whiting.

Mr. Speaker :

The Senate has originated and passed bills as follows:

To repeal a clause of section 16 of an act of the Board of Education ;

For the relief of the solicitors of the counties of Randolph and Cleburne ;

For the relief of the tax collector of Coffee county.

And passed House bill—

To consolidate the funds of fines and forfeitures and general fund of the county of Marengo.

And has adopted House joint resolution authorizing the continuation and purchase of Smith's Alabama Reports.

Respectfully,

M. P. BLUE,
Secretary of the Senate.

Message from the Governor by Mr. Gindrat :

Mr. Speaker :

I am directed by His Excellency, the Governor, to inform you that he has approved the following acts, originating in the House of Representatives :

An act to incorporate the town of North Port, in the county of Tuscaloosa ;

An act to incorporate the town of Pickensville, in the county of Pickens.

Respectfully,

JOHN H. GINDRAT,
Private Secretary.

Mr. Moore, from the Committee on Local Legislation, reported favorably to the Senate bill—

To provide for the permanent location of the court-house

of Marengo county, and to remove said court-house from Demopolis to Linden, in said county.

Mr. Carlin offered a substitute.

Mr. Haralson moved to adjourn ;

Lost.

Mr. Strobach moved to postpone until Monday.

On motion of Mr. Lowe,

The motion was laid on the table.

Mr. Gaskin moved to lay the substitute on the table.

The motion was laid on the table ;

Yeas 68, nays 19.

Those who voted yea are—

Messrs. Speaker, Alley, Appleton, Ashurst, Bassett, Benson, Box, Boyd, Bulger, Bullock, Callaway, Carmichael, Clark, Clements, Cowan, Curtis, Davis, Duskin, Etheridge, Gaskin, Gee, Gilchrist, Grayson of Clarke, Grayson of Madison, Green, Gunn, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, King, Leath, Lewis, Lowe, McCall, McCaskey, Mancill, Miller, Moore, Murrah, Oates, Payne, Perrin, Powell, Raisler, Rice, Simms, Smith of Greene, Smith of Sumter, Smitherman, Speake, Speed, Steele, Taylor of Lauderdale, Ware, Weatherford, Wells, White, Williams and Wyman—68.

Those who voted nay are—

Messrs. Black, Carlin, Cochran, Dozier, Dustan, Haralson, Harmount, Johnson of Dallas, McDermott, Marlowe, Nininger, Semmes, Strauss, Strobach, Thompson and Toulmin—16.

The bill was read the third time and passed.

Mr. Powell, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To provide for the support of the Freedmen's Hospital, located at Talladega, Ala ;

Joint resolution authorizing the continuation and purchase of Smith's Condensed Alabama Reports.

Leave of absence was granted Mr. Drake for two days.

On motion of Mr. Thompson,

The House adjourned till 10 o'clock a. m., to-morrow.

WEDNESDAY, February 8, 1871.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Gwinn.

Journal of yesterday read and approved.

Mr. Wyman, from the joint committee on the Insane Hospital, reported—

That that they have especially investigated, with great care, the claims made in said reports for appropriations of money to repair the hospital buildings : to supply important deficiencies ; to furnish it for additional patients, and to place it on a footing commensurate with its benevolent purposes, and equal with that of similar public charities in other States.

The building was finished in 1868, at a cost of \$255,000, since which time it has not received *one dollar* for improvements and repairs. The consequence of this neglect, unparalleled, perhaps, in the history of such deservedly popular and useful institutions, is, the buildings are falling into decay, and the legitimate operations greatly embarrassed for want of appliances to meet the increased demand for accommodation made by the rapid influx of patients from all parts of the State. Already there are at this time 240 under treatment, and one hundred more are expected to apply during the year.

As a matter of common prudence and economy, as well as of humanity to the most afflicted of the human family, and of justice to the people of the State who expect this institution to be intelligently and liberally sustained, the committee have unanimously agreed to report the accompanying bill.

For the relief of the Alabama Insane Hospital ;

Which was read the first, second and third times, under a suspension of the constitutional rule and passed, and was ordered to the Senate

On the passage of the bill, eighty-four members voted for and one against it.

Also, a bill—

Prohibiting the admission of idiots and imbeciles who are not insane, into the Alabama Insane Hospital ;

Which was read the first, second and third times forthwith and passed.

Also, a bill—

To provide for the support of the Alabama Insane Hospital :

Which was read the first, second and third times forthwith and passed.

Also, adversely to the bills—

To require the sheriffs of this State to convey indigent insane persons to the Insane Hospital at Tuscaloosa, on the order of the probate judge, and to provide for the pay of the sheriffs for such services ;

To admit opium-eaters and confirmed inebriates into the Insane Asylum at Tuscaloosa.

The reports were severally concurred in.

Mr. Hewitt, from the select committee, to whom was referred the bill—

To change the line between the counties of Jefferson and Shelby—

Reported a substitute, which was adopted, read the third time forthwith and passed, by a two-thirds vote of the House, and was ordered to the Senate.

Mr. Thompson offered the following resolution :

Resolved, That the Judiciary Committee be instructed to report if it is not a violation of the Constitution, section 2, article 1, to arrest persons of different color for intermarrying, and if the different sections of the Code of Alabama relating to the punishment of marriages between white persons and negroes—(section 3602, &c.) are still in force in this State.

On motion of Mr. Oates, the resolution was laid on the table ;

Yeas 63, nays 17.

Those who voted yea are—

Messrs. Appleton, Ashurst, Bassett, Benson, Box, Boyd, Bradford, Bulger, Bullock, Callaway, Carmichael, Clements, Cowan, Crook, Davis, Drake, Duskin, Etheridge, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, McCall, Mancill, Miller, Moore, Murrah, Oates, Payne, Perrin, Powell, Raisler, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, St. Clair, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toulmin, Ware, Weatherford and White---63.

Those who voted nay are—

Messrs. Carlin, Clark, Curtis, Diggs, Dozier, Dustan, Gas-

kin, Gee, Gunn, Haralson, Henderson, Johnson of Dallas, Marlowe, Strobach, Thompson, Wells and Williams—17.

Mr. Grayson, from the Committee on Accounts and Claims, reported a substitute for the bill—

For the relief of Schmidt & O'Brien ;

Which was adopted, read the third time and passed, and ordered to the Senate.

Bills were introduced—

By Mr. Dustan—

To repeal an act entitled an act to require certain officers of Marengo county to reside at the court-house, or within one mile of their offices.

By Mr. Powell—

To prohibit hunting on Router's Branch and Persimmon Creek, in Butler county.

By Mr. Davis—

To restrain the tax collector of Randolph county from collecting certain taxes therein named ;

Which were severally read the first and second times forthwith, and referred to the Committee on Local Legislation.

By Mr. Boyd—

To dissolve the bonds of matrimony existing between William P. Wharton and Ann E. Wharton, of the county of Etowah ;

Which was read the first and second times forthwith, and referred to a special committee, composed of members from counties adjacent to Etowah.

By Mr. Powell—

To abolish the county court of Butler county ;

Also,

To establish a criminal court for the county of Butler, with criminal and civil jurisdiction ;

Also,

For the relief of Mrs. Ellen Payne Jordan, of Lowndes county ;

Which were severally read the first and second times forthwith, and referred to the Judiciary Committee.

By Mr. Powell—

To repeal an act entitled an act for the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama, approved December 31st, 1863 ;

Which was read the first and second times forthwith, and referred to the Committee on Agriculture and Commerce.

By Mr. Strauss—

To expedite the improvement of the river, bay and harbor of Mobile ;

Which was read the first and second times forthwith, and referred to the Committee on Internal Improvements ;

Also—

In relation to the Bienville Walter Works Company of the city and county of Mobile ;

Which was read the first and second times forthwith, and referred to the Committee on Corporations.

By Mr. Murrah—

To prohibit the sale of spirituous, vinous or malt liquors within one mile and a half of Franconia Male Academy in Pickens county.

By Mr. Carmichael—

To prohibit the sale of spirituous or intoxicating liquors of any kind within two miles in any direction of Clopton Academy in the county of Dale.

By Mr. Payne—

To repeal section 3207 of the Revised Code of Alabama, so far as it relates to Blount county ;

Which were severally read the first, second and third times forthwith, and passed, and ordered to the Senate.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has passed House bills as follows :

To prohibit attorneys in certain cases from practicing their profession in probate and chancery courts ;

To amend section 2 of an act to incorporate the Stafford Mills of Pickens county ;

For the relief of John A. H. Caddell of the county of Etowah, Alabama, of non-age ;

To amend section 3439 of the Revised Code of Alabama ;

To amend section 1323 of the Revised Code of Alabama ;

Requiring the justices of the peace of Geneva and Randolph counties to act as apportioners and supervisors of public roads in their respective beats ;

To authorize the executrix of the last will and testament of F. S. Denson, deceased, to sell certain lands at private sale ;

Joint resolution for the relief of J. & B. Trimble of Montgomery county.

The Senate has originated and passed bills as follows :

To amend section 3439 of the Revised Code of Alabama ;

For the relief of David V. T. Pool, a justice of the peace of Cleburne county ;

To prohibit the clerks of the circuit courts of the State of Alabama, from permitting papers on file in their offices from being taken out of the same, without written consent of the judges thereof ;

To more effectually preserve the papers in chancery causes ;

To amend the last paragraph of section seven hundred and fifty of the Revised Code, and to repeal an act approved February 14th, 1870, entitled an act to repeal so much of section 750 of the Revised Code, as relates to the times of holding the circuit courts in the 12th judicial circuit, and to fix the time of holding the circuit courts in said circuit.

Respectfully,

M. P. BLUE,
Secretary of Senate.

Mr. Payne introduced a bill—

For the relief of Robert H. Wilson of Blount county :

Which was read the first and second times forthwith, and referred to the Committee on Appropriations.

On motion of Mr. Speake,

The call of the counties was suspended to allow committees to report.

Mr. Moore, from the Committee on Local Legislation, reported favorably to the bills---

For the relief of the heirs of Joseph H. Stanley ;

To amend an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence.

To prevent the sale of spirituous liquors within two miles of Pushmataha, in Choctaw county, Alabama ;

Which were severally read the third time forthwith, and passed.

Mr. Lowe, by leave, offered the following resolution ;

Which was adopted :

Resolved, That a Committee of five members of the House, to be named by the Speaker, be appointed to investigate the

condition of the Department of Education, and to report upon the alleged misappropriation of public moneys by the late superintendent and others, and that the said committee have power to send for persons and papers.

Mr. Speaker appointed Messrs. Lowe, Bullock, Duskin, Hodo and Crook, said Committee.

Mr. Toulmin, from the Judiciary Committee, reported favorably to the bills---

For the relief of Richard H. Clark, administrator of the estate of William A. Christian, in the county of Marengo ;

To repeal an act entitled an act to define the powers of justices of the peace in the counties of Dallas, Pickens and other counties, approved February 23d, 1866 ;

Which were severally read the third time forthwith, and passed.

Also, favorably to the bill---

To amend an act to establish the city court of Eufaula ;

Mr. Black moved to amend, by striking out "two thousand" and inserting "three thousand ;"

Lost.

The bill was read the third time forthwith, and passed.

Mr. Powell, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

Joint resolutions for the relief of J. & B. Trimble of Montgomery county.

The hour of 12 o'clock having arrived—

The special order, which was the report of the Special Committee on Railroad Bond Investigations,

Was taken up.

Mr. Lowe offered the following resolution :

WHEREAS, The Special Committee appointed by this House to investigate the condition of railroads in this State, and the issue and endorsement of bonds to said railroads by the State, have failed to agree upon the questions submitted to them ; and, whereas, several papers, purporting to be reports, have been laid before this House by the individual members of said committee, no one of which is, or claims to be a report of said committee ; therefore,

Resolved, That the several members of said committee be allowed to withdraw the several reports submitted to this House, and that said committee be instructed to report the result of their investigation by to-morrow noon, if practicable, by bill or otherwise.

Mr. Moore moved to amend by adding, "and that unless a majority of said committee can agree by to-morrow noon, that said committee be discharged from further consideration of the question."

Mr. Crook moved to lay the amendment on the table ;

Lost.

The House refused to adopt the amendment.

Mr. Bulger moved to amend, by striking out the words "by to-morrow noon if," and inserting "when" ;

Lost.

The resolution was adopted ;

Yeas 57, nays 33.

Those who voted yea are—

Messrs. Speaker, Alley, Appleton, Bassett, Benson, Black, Box, Bullock, Carlin, Carmichael, Clark, Clements, Cochran, Curtis, Davis, Diggs, Doster, Dozier, Drake, Duskin, Gaskin, Gee, Graham, Grayson of Madison, Green, Haralson, Har-mount, Henderson, Hewitt, Hitchcock, Holmes of Baldwin, Hurt, Johnson of Coosa, Johnson of Dallas, King, Lindsay, Lowe, McCall, McCaskey, McDermott, Marlowe, Oates, Payne, Perrin, Smith of Choctaw, Smith of Greene, Smith-erman, Speed, Strobach, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Ware, Weatherford, Wells and Williams—57.

Those who voted nay are—

Messrs. Ashurst, Boyd, Bulger, Callaway, Cowan, Crook, Etheridge, Gilchrist, Grayson of Clarke, Gunn, Hamilton, Henry, Hodo, Holmes of Sumter, Howell, Kennedy, Leath, Lewis, Mancill, Miller, Moore, Mooring, Murrah, Powell, Raisler, Rice, Semmes, Simms, Smith of Sumter, Speake, Steele, White and Wyman—33.

On motion of Mr. Haralson,

The House adjourned till 10 o'clock to-morrow morning.

THURSDAY, February 9, 1871.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Davis.

The journal of yesterday was read and approved.

Mr. Powell, from the Committee on Enrolled bills, reported the following as correctly enrolled :

To authorize the executrix of the last will and testament

of F. S. Denson, deceased, to sell certain land at private sale ;
 To consolidate the fund of fines and forfeitures and general fund of the county of Marengo ;

To prohibit attorneys in certain cases from practicing their profession in probate and chancery courts ;

Requiring the justices of the peace of Geneva and Randolph counties, to act as apportioners and supervisors of public roads in their respective beats ;

To amend section 1323 of the Revised Code of Alabama ;

To amend section 2 of an act to incorporate the "Stafford Mills" of Pickens county ;

To amend section 3439 of the Revised Code of Alabama ;

For the relief of John A. H. Caddell, of the county of Etowah, Alabama, of non-age.

On motion of Mr. Oates,

The call of counties was suspended to allow committees to report.

Mr. Toulmin, from the Judiciary Committee, reported favorably, with amendments, to the bill—

To provide for the submission of causes in vacation in the Middle Chancery Division.

Amend by adding to section 1 the words : " Provided, no cause shall be so heard without the written consent of the parties or their solicitors."

Amend by striking out the second section of the bill.

The amendments were adopted ;

The bill read the third time forthwith and passed.

Also, favorably with amendments, to the bill—

To regulate the taking of testimony in courts of chancery.

Amend the 10th line by adding after the word " party," the words " or their solicitors ;" in the same line strike out the word " reasonable," and insert " ten days." Amend by striking out, commencing in the 14th line, the words, " or cause the same to be done in his presence, and to seal up and return the same to the court," and substitute therefor the words, " and cause the same to be signed in his presence, which he shall certify, seal up, and return to the court." Add after the word " proper," in the last line, the words " and shall be entitled to receive for the services hereinbefore mentioned, the following fees, to-wit: For each subpœna 40 cents, and for each examination 15 cents for every one hundred words, and in no case less than \$2 50."

The amendments were adopted ;

The bill read the third time forthwith and passed.

Also, favorably, with amendment, to the bill—

Relating to the increase of the number of the Supreme Court Judges.

Amend by adding after the word “election,” in the 11th line of the 1st section, the words, “and that the judges elected under this act shall hold their offices until the next general election for judges of the Supreme Court.

The amendment was adopted ;

And the bill read the third time forthwith and lost ;

Yeas 33, nays 57.

Those who voted yea are—

Messrs. Boyd, Bulger, Callaway, Carmichael, Crook, Davis, Doster, Ellison, Etheridge, Grayson of Clarke, Henry, Hewitt, Hodo, Holmes of Baldwin, Kennedy, Lewis, Lindsay, McDermott, Mancill, Mooring, Nininger, Oates, Perrin, Powell, Semmes Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Strauss, Toulmin and Wyman—33.

Those who voted nay are—

Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Black, Box, Bullock, Carlin, Clarke, Clements, Cochran, Cowan, Craig, Curtis, Diggs, Dozier, Drake, Duskin, Dustan, Gaskin, Gee, Gilchrist, Grayson of Madison, Gunn, Hamilton, Haralson, Harmount, Henderson, Hitchcock, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, King, Leath, McCall, McCaskey, Marlowe, Miller, Murrah, Payne, Rice, Smitherman, Speake, Speed, St. Clair, Strobach, Taylor of Lauderdale, Taylor of Winston, Thompson, Ware, Weatherford, Wells, White, and Williams—57.

Also, favorably, with substitute, to the bill—

To repeal section 2 of an act entitled an act to register and pay the debts of Sumter county, approved March 1, 1870.

The substitute was adopted ;

The bill read the third time and passed.

Also, favorably to the bills—

For the relief of James H. Booth, as administrator of the estate of Benjamin F. Boon ;

To authorize and empower Henry C. Copeland, a minor, of Barbour county, to settle with his guardian ;

To prevent unlawful trespasses upon land ;

To define and punish embezzlement by sheriffs ;

To amend an act entitled an act to incorporate the Sepulgah River Manufacturing Company of Conecuh county, approved December 31, 1868 ;

Which were severally read the third time forthwith and passed.

Also, favorably, with amendments, to the bill—

To authorize sheriffs to execute all process issued by justices of the peace and notaries public, when there is no regularly qualified constable in their respective beats.

Amend by striking out the words “and required,” in the 4th line of the 1st section.

The amendment was adopted ;

The bill read the third time forthwith and passed.

Also, favorably, with amendments, to the bill—

To secure justices of the peace and notaries public in their fees in certain cases.

Amend by adding after the word “treasurer, in the 1st section, the following words: “Or the officer discharging the duties of county treasurer.” Add after the word “treasurer,” in the 3d section, the words, “or the officer discharging the duties of county treasurer.”

The amendments were adopted ;

The bill read the third time forthwith and passed.

Also, favorably, with substitute, to the bill---

For the relief of Theophilus Clausel.

The substitute was rejected ;

The bill read the third time forthwith and lost on its passage ;

Yeas 32, nays 53.

Those who voted yea are—

Messrs. Ashurst, Bassett, Callaway, Clarke, Craig, Diggs, Doster, Etheridge, Grayson of Clark, Grayson of Madison, Haralson, Harmount, Hodo, Holmes of Baldwin, Holmes of Sumter, Johnson of Dallas, King, Lewis, Lindsay, Lowe, Marlowe, Moore, Murrah, Nininger, Powell, Simms, Smith of Sumter, Speed, St. Clair, Thompson, Toulmin and Williams—32.

Those who voted nay are—

Messrs. Speaker, Alley, Appleton, Benson, Boyd, Bradford, Bulger, Bullock, Carlin, Carmichael, Clements, Cochran, Cowan, Curtis, Davis, Dozier, Ellison, Gee, Gilchrist, Graham, Gunn, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, McCall, McCaskey, McDermott, Miller, Mooring, Oates, Perrin, Raiser, Rice, Semmes, Smith of Choctaw, Smith of Greene, Smitherman, Speake, Steele, Taylor of Lauderdale, Taylor

of Winston, Ware, Weatherford, Wells, White and Wyman—53.

Also, favorably, with substitute, to the bills—

To amend section 1829 of the Revised Code of Alabama ;

To amend section 1827 of the Revised Code of Alabama ;

To repeal section 1831 of the Revised Code.

The report, substitute and bills were made the special order for Tuesday, the 14th of February, at 12 o'clock, m.

Mr. Lowe, by leave, offered the following resolution ;

Which was adopted :

Resolved, That the committee on investigation of the department of education be authorised to employ a clerk, to be paid only during the period of employment.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has passed the following House bills :

To prevent slander and defamation ;

To repeal an act to appoint counsel in certain cases, approved December 30, 1868 ;

To create a new chancery district out of the counties of Dale and Geneva ;

For the relief of the Alabama Insane Hospital.

M. P. BLUE,
Secretary of the Senate.

The hour of 12 o'clock having arrived—

The special order was taken up, which was the favorable report of the Committee on Revision of the Laws, to the bill—

To prevent prosecution of persons who may have testified before House committee of inquiry into liability of the State on account of railroad bonds.

Mr. Bulger offered the following amendment :

Add after the word "Alabama" in the seventh line of the first section, the words "or any person, or persons, that may be appointed for a like purpose hereafter by the Governor, or General Assembly of Alabama."

On motion of Mr. Oates, the further consideration of the bill and amendment was postponed until Monday next.

Mr. Smith of Choctaw, from the select committee to whom was referred the resolution relative to the Freedman's Hospi-

tal and the State Institution for the Deaf and Dumb and the Blind, reported at length upon the condition of the latter Institution, and reported the following bill—

To provide for the repairs and improvements of the Alabama Institution for the Deaf and Dumb and the Blind ;

The bill was read the first second and third times forthwith, and passed by a two-thirds vote of the House, and ordered to the Senate.

The Senate bill—

For the relief of the tax collector of Coffee county ;

Was read the 1st and 2d times forthwith and referred to the Committee on Ways and Means.

The Senate bills—

To repeal a clause of section 16 of an act of the Board of Education ;

Was read the first, second and third times forthwith and passed.

The Senate bills—

For the relief of the solicitors of the counties of Randolph and Cleburne ;

Was read the first and second times forthwith, and referred to the Committee on Local Legislation.

The Senate bill---

To more effectually preserve the papers in chancery causes ;

Was read the first and second times forthwith, and referred to the Committee on Revision of the Laws.

The Senate bills—

To amend section 3439 of the Revised Code of Alabama ;

To prohibit the clerks of the circuit courts of the State of Alabama, from permitting papers on file in their offices from being taken out of the same. without written consent of the judges thereof ;

Were read the first and second times forthwith and referred to the Judiciary Committee.

The Senate bill—

For the relief of David V. T. Poole, a justice of the peace of Cleburne county ;

Was read the first and second times forthwith.

On motion of Mr. Howell, it was laid on the table.

Message from the Governor by Mr. Gindrat :

Mr. Speaker :

I am directed by the Governor to inform you that he has

approved the following acts originating in the House of Representatives :

An act to provide for the support of the Freedman's Hospital located at Talladega, Alabama ;

An act to establish a charter for the town of Elyton in Jefferson county ;

Joint resolutions authorizing the continuation and purchase of Smith's Condensed Alabama Reports.

Respectfully,

JOHN H. GINDRAT,
Private Secretary.

Mr. Bradford, from the select committee to inquire into the railroad bond frauds, reported that he was instructed by the committee to return the majority report heretofore submitted, and to request that the committee be discharged from the further consideration of the subject.

Pending the consideration of the report—

On motion of Mr. Bulger—

The House adjourned till to-morrow morning 10 o'clock.

FRIDAY, February 10, 1871.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Davis.

Journal of yesterday was read and approved.

Mr. Taylor of Lauderdale, by leave, introduced a bill—

To amend section one of an act supplementary to an act to establish revenue laws for the State of Alabama, passed by the House of Representatives, December 22d, 1868, and by the Senate December 26th, 1868 ;

Which was read the first and second times forthwith, and referred to the Committee on Ways and Means.

Mr. Powell, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To repeal an act to appoint counsel in certain cases, approved December 30th, 1868 ;

To prevent slander and defamation ;

For the relief of the Alabama Insane Hospital ;

To create a new chancery district out of the counties of Dale and Geneva.

Mr. Boyd, from the committee to whom was referred the bill—

To restrain the tax collector of Limestone county from collecting certain moneys therein named—

Reported favorably thereon ;

Which was read the third time forthwith and passed, and ordered to the Senate.

Mr. Hewitt, by leave, introduced a bill—

To secure medical aid for the poor of this State ;

Which was read the first and second times forthwith, and referred to the Committee on the Judiciary.

On motion of Mr. Doster, the call of counties was suspended, to allow the committees to report.

Mr. Toulmin, from the Judiciary Committee, reported favorably, with an amendment, to the bill—

To regulate the sale of certain products of the farm, and prevent the commission of petit larceny in certain cases.

Amend by striking out all after the word “be” on the last line of the first page, and inserting the words “punished as if he had stolen the same.”

The amendment was adopted.

Mr. Strobach moved to amend by striking out all after the word “elapsing,” and inserting in lieu thereof, the words “from 9 o’clock p. m. to 4 o’clock a. m.”

Lost.

Mr. Strobach moved to amend by inserting in lieu of the time specified in the bill, the words “from 8 p. m. to 4 o’clock a. m.”

Lost.

On motion of Mr. Bullock, the bill was amended by inserting after the word “pursuit,” in the sixth line of the first section, the words “or any planter, farmer, or any other persons.”

Mr. Haralson moved to amend by adding—

“Section 4. Be it further enacted, That no person engaged in any mercantile pursuit, who may trade or traffic for any product of the farm or garden, shall keep open any house or store where such trading or trafficking is done, between sunset and sunrise.”

On motion of Mr. Oates, the amendment was laid on the table.

Mr. Thompson moved to amend by adding the following:

“Provided, The provisions of this act shall not apply within one mile of any incorporated city in this State.”

Lost.

Mr. Thompson moved to indefinitely postpone the bill.

Lost.

On motion of Mr. Lowe, the previous question was ordered.

The bill was read the third time forthwith and passed, and ordered to the Senate.

Message from the Senate, by Mr. Whiting :

Mr. Speaker :

The Senate has originated and passed joint resolutions as follows :

Respecting the repudiation of the indebtedness of the State of Alabama ;

Respecting crimes and outrages ;

Both of which are herewith transmitted.

M. P. BLUE,
Secretary of Senate.

Mr. Lowe, by leave, offered the following joint resolution :

Resolved, That a joint committee, consisting of five members of the House and three members of the Senate, be appointed by the Speaker of the House and the President of the Senate, respectively, to investigate into the condition of the Department of Education, and to report upon the alleged misappropriation of public moneys by the late Superintendent and others, and that said committee have power to send for persons and papers, and report by bill or otherwise.

The resolution was adopted.

The Speaker announced Messrs. Lowe, Bullock, Duskin, Hodo and Crook as the committee on the part of the House.

The hour of 12 o'clock having arrived, the

ORDERS OF THE DAY

Were taken up.

The report of the special committee on the alleged frauds in the issuance of railroad bonds, being in order,

The committee was discharged.

On motion of Mr. Strobach,

The Senate joint resolutions on the same subject were taken up.

On motion of Mr. Strobach,

The resolutions were amended as follows :

And in case the investigation cannot be completed during

the present session of the General Assembly, the committee shall be empowered to continue and finish it, and to make final report to his Excellency the Governor.

Mr. Lowe offered the following as a substitute for the Senate resolutions :

JOINT RESOLUTIONS.

WHEREAS, It has been asserted through the public prints and otherwise, that the acts procuring the credit of the State in aid of certain railroad corporations over and above the general law of sixteen thousand dollars per mile, were obtained by bribery and other corrupt and illegal means ; and

Whereas, The interest and honor of the State require that the guilty agents (if any there be,) should be exposed and punished, and the people demand that a thorough investigation be had ; and

Whereas, The State of Alabama has an efficient prosecuting officer on an ample salary, who can discharge this duty with much more facility and less expense to the State than any commission from the General Assembly ; and

Whereas, In the opinion of the General Assembly, the grand jury is the proper forum to investigate such charges ; therefore, be it

Resolved by the General Assembly of Alabama, That the Attorney-General is hereby required to superintend and conduct the investigation of all such charges of bribery and kindred offences in procuring the passage of said acts, before the grand jury of the next city court of Montgomery ; and that he use all the process known to the criminal laws of the State to insure the indictment and conviction of any party or parties implicated therein ; *Provided,* That any party who is summoned as a witness, and voluntarily gives testimony implicating himself with others, shall be forever relieved from prosecution.

Resolved further, That the Attorney-General report in detail to his Excellency the Governor, by the meeting of the next General Assembly, the result of his labors under this resolution.

Mr. Crook moved to lay the resolutions and substitute on table.

The motion prevailed—yeas 44, nays 41.

Those who voted yea are—

Messrs. Appleton, Ashurst, Bassett, Boyd, Callaway, Carmichael, Cowan, Craig, Crook, Dozier, Ellison, Etheridge, Gilchrist, Grayson of Clarke, Gunn, Hamilton, Henry, Hodo, Holmes of Sumter, Howell, Hurt, Kennedy, Leath, Lewis, Lindsay, McDermott, Mancill, Miller, Moore, Mooring, Murah, Powell, Raisler, Simms, Smith of Choctaw, Smith of Sumter, Speake, Steele, Strauss, Toulmin, Ware, Weatherford, White and Wyman---44.

Those who voted nay are—

Messrs. Benson, Box, Bullock, Carlin, Clements, Curtis, Davis, Diggs, Doster, Drake, Duskin, Gaskin, Gee, Graham, Grayson of Madison, Green, Haralson, Harmount, Henderson, Hewitt, Hitchcock, Johnson of Coosa, Johnson of Dallas, King, Lowe, McCall, McCaskey, Marlowe, Nininger, Oates, Payne, Rice, Semmes, Smith of Greene, Smitherman, St. Clair, Strobach, Taylor of Lauderdale, Taylor of Winston, Thompson and Wells---41.

Mr. Boyd moved to reconsider the vote by which the resolutions and substitute were laid on the table.

Pending the consideration of the motion to reconsider—

On motion of Mr. Boyd,

The House adjourned till 10 o'clock to-morrow morning.

SATURDAY, February 11, 1871.

House met pursuant to adjournment.

Prayer by Rev. Mr. Howell.

Journal of yesterday read and approved.

Mr. Hubbard, by leave, introduced a bill—

To prevent assessing or collecting a special tax by the commissioners' court of Pike county ;

Which was read the first and second times forthwith.

On motion of Mr. Carmichael, it was amended to make its provisions applicable to the county of Dale.

The bill was read the third time forthwith and passed, and ordered to the Senate.

Also, bills—

To authorize the corporate authorities of the city of Troy to purchase real property sold for taxes levied and assessed by said authorities, and to enforce the rights acquired by such purchase ;

To authorize William H. Parks, the administrator of John

A. Howard, deceased, to sell the land of said estate at private sale, without making application, proof, and obtaining an order of sale, as is usually done ;

Which were read the first, second and third times forthwith, and passed, and ordered to the Senate.

Also, bills—

To repeal the laws incorporating Orion, in Pike county, provided a majority of the legal voters thereof vote for the repeal ;

To prohibit the sale of liquors within two miles of the Methodist Episcopal church at Briar Hill, in Pike county ;

To prohibit the sale of liquors within one mile of Arcadia Institute ;

To incorporate Spring Hill, in Pike county ;

Which were severally read the first and second times forthwith and referred to the Committee on Corporations.

Also, bills—

To create a separate estate for married women ;

To declare married women under twenty-one years old possessed of the same rights and liabilities with reference to their separate statutory estate, as if they were twenty-one years old ;

Which were severally read the first and second times forthwith and referred to the Judiciary Committee.

Leave of absence was granted Messrs. Taylor of Winston, Haralson, Speed, Gee, Ashurst and Gaskins for one day.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has originated and passed bills as follows—

To authorize the Mobile and Ohio Railroad Company to purchase the railroad constructed by the Mississippi, Gainesville and Tuskaloosa Railroad Company ;

To provide for the support of the Alabama Insane Hospital ;

Prohibiting the admission of idiots and inebriates not insane, into the Alabama Insane Hospital ;

For the relief of the University of Alabama ;

And has passed House bills—

To establish a chancery court for the county of Sanford ;

To amend section 14 of an act entitled an act in relation to the chancery courts in Alabama, approved August 12th, 1868 ;

And has amended as therein shown, and passed House bills:
To provide for the repair and improvement of the Alabama Institution for the Deaf, Dumb and Blind;

To prevent the sale of spirituous liquors within two miles of Brewersville Academy, in Sumter county.

Respectfully,

M. P. BLUE,
Secretary of the Senate.

On motion of Mr. Oates,

The House suspended the regular order of business, for the purpose of taking up the report of the Special Committee on the investigation of alleged frauds in the issuance of Railroad Bonds.

Mr. Oates offered joint resolutions—

Providing for the payment of the interest legally due by Alabama on account of endorsement of Railroad Bonds;

Which were severally read the first and second times forthwith.

Mr. Steele offered a substitute for the joint resolutions.

Mr. Lewis moved to amend the substitute, by striking out all after the enacting clause of the first resolution, and inserting the resolution offered by Messrs. Boyd, Steele and himself, with the report of the committee on the 3d of February, instant;

Mr. Lewis moved to make the joint resolutions, substitute and amendment, the special order for Monday morning 10 o'clock;

Lost.

Pending the consideration of the amendment, (Mr. Bradford entitled to the floor)—

On motion of Mr. Smith of Choctaw, the Senate amendment to the House bill,

To provide for the repair and improvement of the Alabama Institution for the Deaf, Dumb and the Blind,

Was concurred in.

On motion of Mr. Smith of Choctaw—

The House adjourned till 10 o'clock Monday morning.

MONDAY, February 6, 1871.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Gwinn.

Journal of Saturday was read and approved.

Mr. Gunn, by leave, offered the following resolution :

Resolved, That during the discussion upon the subject of the railroad bonds, no one shall be allowed to speak for a longer time than twenty minutes.

On motion of Mr. Boyd, it was laid on the table.

Mr. Lewis, by leave, offered the following resolution ;

Which was adopted :

Resolved by the House of Representatives, That the pay of the sergeant-at-arms, employed by the Committee on Railroad Bonds' investigation, shall be six dollars per diem.

Mr. Smitherman, by leave, introduced a bill—

To amend the 14th section of the charter of the Selma and Gulf Railroad Company ;

Which was read the first and second times forthwith, and referred to the Committee on Corporations.

Mr. Moore, by leave, introduced a bill—

For the relief of William McCrary of Hale county, and John Jones of Geneva ;

Which was read the first, second and third times forthwith, and passed.

Also, to define the application and disbursement of the surplus school fund apportioned to the counties ;

Which was read the first and second times forthwith, and referred to the Committee on Education.

Mr. Lowe, from the Committee on Internal Improvements, reported favorably to the Senate bill—

In relation to the issue of county bonds in aid of any railroad in this State ;

Which was read the third time forthwith and passed.

On motion of Mr. Toomer, the business before the House was suspended, to allow the Committee on the Capitol and Local Legislation to report.

Mr. Strobach, from the Committee on the Capitol, reported adversely to the resolution adopted on the 7th instant, instructing the said committee to have the National Flag hoisted over the State Capitol during the session of the present General Assembly.

Mr. Murrah moved to lay the report on the table ;
Lost.

The House refused to concur in the report.

On motion of Mr. Boyd,

The report and resolution were recommitted, with instructions to the committee to report to this House what had become of the flag purchased by a former Legislative Assembly, for the use of the State.

The Speaker presented to the House a petition from citizens of the counties of Tuscaloosa, Bibb, Shelby and Jefferson, asking the establishment of a new county out of portions of the counties mentioned ;

Which was referred to the Representatives from those counties, with Mr. Clements as Chairman of the Select Committee.

Message from the Governor by Mr. Gihdrat :

EXECUTIVE DEPARTMENT,
Montgomery, Feb. 15th, 1871. }

Gentlemen of the Senate

and House of Representatives.:

For your information, I transmit a report received at this Department from the Hon. Joseph Hodgson, Superintendent of Public Instruction.

The report was made at my request, communicated to the Superintendent on the 16th day of January last, and the promptness with which he complied, as well as the labor and ability he displays in the work, are worthy of the highest commendation.

Energy, honesty and capacity in the administration of our system of education, are all the agencies now needed to secure its ultimate success.

It is unnecessary for me to direct your special attention to any particular fact or suggestion embraced in this report ; yet I feel it to be my solemn duty to urge upon your earnest consideration the condition of the University.

The University of Alabama has always been cherished with pride and affection by the people, and at all times encouraged and promoted by necessary and liberal appropriations. It is, therefore, a melancholy reflection—a subject, I might say, of

sorrow and regret—to be informed by the President, the Honorable William R. Smith, in his communication to the Superintendent of Public Instruction, that “the catalogue of cadets now reaches the meagre number of twenty-one, and that there is not much probability of an increase under present auspices.” The distinguished and learned President, himself a literary offspring of the institution, I am convinced, has not thus expressed his solicitude and apprehensions without justifying reasons.

What is the cause?—whence springs this calamity to this once noble institution? this venerable *Alma Mater* of hundreds of the purest and most accomplished sons and citizens of Alabama? Are the endowments insufficient to support the institution? I think not. In Auditor Reynolds’ printed report of the fiscal transactions for the year ending September 30, 1870, and on page 21 of said report, I find that \$24.143 88 was paid as interest on the University fund. Twenty-one cadets in juxtaposition with such an amount needs neither exclamation nor commentary. Are the professors, or any of them, by their intellectual capacity or moral obliquities, or political harlequinisms, an incubus on its character and fame? If these, or any of these malign influences prevail, it ought to be removed, and removed speedily. To ascertain the cause of the misfortune and degradation to our University, a rigid and impartial investigation should be instituted, and the evil at once remedied. If this is impossible, the amount annually expended in its support might be profitably held until a more auspicious era of the institution.

Article XI of the constitution provides for a separate and distinct department for the management and control of a system of public education, and, among other provisions, designates the sources from which shall be derived the means to maintain and support that system. My construction of the constitutional sections pertaining to the school revenue compels me to say that the system should be supported out of its own resources, and in no part out of the general funds of the State. Yet, I discover that the salaries of officers of the Department, Board of Education and Board of Regents, expenses incurred in carrying on the entire system, have been and are expected to be paid out of the general treasury, and not from its own school fund.

I ask your consideration of this matter, not only as to the

future, but with regard to appropriations made during the present session of the Legislature.

It is an important matter, and a legislative determination is necessary to place that department on a business footing. The Superintendent should have a contingent fund, but that fund should be drawn from school resources.

In conclusion, with this report transmitted, I also invite your attention to the able communication of Col. J. L. Tait, addressed to the Superintendent of Public Instruction.

The valuable property to which he refers should not be permitted to decay and waste.

ROBERT B. LINDSAY.

Message from the Senate by Mr. Whiting:

Mr. Speaker :

The Senate has passed House bills as follows:

For the relief of persons therein named from the disabilities of non-age;

To repeal an act to increase the compensation of executors, administrators, guardians and county court commissioners in Lauderdale county, approved February 11, 1867;

To amend an act to declare William Russell, of Geneva county, a liner between said county and Coffee, a citizen of Coffee county, approved March 3, 1870;

To consolidate the offices of tax collector and assessor in the county of Walker;

To repeal section 21 of an act entitled an act to establish a new charter for the town of Marion, in the county of Perry;

To legalize the division of the assessment lists therein named;

To amend the charter of the city of Selma, approved December 4, 1868;

Prohibiting the admission of idiots and imbeciles, who are not insane, into the Alabama Insane Hospital;

To provide for the support of the Alabama Insane Hospital.

And has amended as therein shown and passed House bills as follows:

To relieve Robert R. Varner of the disabilities of non-age;

To incorporate the town of LaFayette, in the county of Chambers;

To prohibit the sale of spirituous, vinous or malt liquors

within one mile and a half of Franconia Male Academy, in Pickens county ;

To confer certain powers upon the Mayor, Aldermen and Common Council of the city of Mobile ;

To revive an act to incorporate the town of Columbiana, in the county of Shelby.

And recedes from its amendment to the House bill—

To legalize the tax sales of real estate made in Winston county.

M. P. BLUE,
Secretary of Senate.

Mr. Moore, from the Committee on Local Legislation, reported adversely to the bills, proposing to make the following named persons free-dealers, the names having been included in a bill already reported to the House and passed :

Mrs. Nancy Wester of Chambers county ;

Mrs. Jane E. Peebles of Clarke county ;

Mrs. Bettie W. Barger of Greene county ;

Mrs. Rebecca E. Williams and Mrs. Mary E. Marshall of Montgomery county ;

Mrs. Eliza Robertson of Mobile county ;

Mrs. Sarah E. Mitchell of Tallapoosa county ;

Mrs. Lizzie S. Oliver and Mrs. Margaret A. Gaines of Greene county ;

Mrs. Mildred W. Crowell, Mrs. D. R. Seals, and Mrs. Ann E. Crowder of Lee county ;

Mrs. Fannie J. Porter of Geneva county ;

Mrs. Elizabeth Hill of Montgomery county ;

Mrs. Libba Hardee of Monroe county ;

Mrs. Caroline Pickard of Marengo county ;

Mrs. Ann C. Smith of Pike county ;

Mrs. Clarinda Alexander of Calhoun county ;

Mrs. Charlotte Thompson Rogers of Montgomery county ;

Mrs. A. P. Key of Lee county ;

Mrs. C. E. Appleby of Russell county ;

Mrs. Theresa J. Wilson of Winston county ;

Mrs. Missouri Kingsberry and Mrs. Mary Howell of Butler county ;

Mrs. Louisa Malinda Smallwood and Mahala Jane Whisenant of Marshall county ;

Mrs. Altha Hall of Bullock county ;

Mrs. Caroline Shiver of Coffee county ;

Mrs. Elizabeth M. Hewell of Chambers county.

Also, adversely to the Senate bills on the same subject, and for like reasons, as follows :

Mrs. Eliza E. West of Perry county ;

Mrs. Elizabeth Miller of Coffee county ;

Mrs. Catherine Amelia Mims of Montgomery county ;

Mrs. P. G. Jackson of Marengo county ;

Mrs. Maria L. Atkinson of Montgomery county ;

Mrs. Dalton R. Seals of Lee county ;

Mrs. Elizabeth A. Sherwood of Elmore county ;

Mrs. Mary E. Temple of Perry county ;

The reports of the committee were concurred in.

Also, adversely to the bills proposing to relieve the following named persons from the disabilities of non-age, the names having been reported in a general bill on the same subject, and passed the House :

Mr. Charles E. Boon of Autauga county ;

Messrs. James Clark and Charles H. Laney of Barbour county ;

Miss Margaret J. Murphree of Blount county ;

Mr. Isaac L. Pipkin of Bullock county ;

Mr. John McKee of Dallas county ;

John Griffin and Mary E. Griffin of DeKalb county ;

Geo. A. Snowden of Escambia county ;

Wm. Watson McAlpine and Wm. N. McIntosh of Greene county ;

Moses H. Crittenden of Lauderdale county ;

George W. Ogletree, Silas Bradshaw, V. A. Saunders, C. W. Yancey, Wm. P. Jones and Excel Tucker of Lee county ;

John McLelland of Chambers county ;

Albert G. Durand of Marshall county ;

Solomon Heidelberger of Mobile county ;

Isaac P. and Willie E. Chambers of Henry county ;

James M. Hood, Mary Ellen Anderson, J. R. Forbes and Joseph Bell of Montgomery county ;

James A. and Jane E. Evans of Pickens county ;

Wm. A. McBryde of Pike county ;

Susan Bradford of St. Clair county ;

Benj. W. Little and R. H. Jemison of Sumter county ;

Arthur T. Wood of Talladega county ;

Wm. P. Hutchison, John T. Johnston and Joel Ashley Stowe of Tallapoosa county ;

Thomas B. Curtis and Mary H. Curtis of Wilcox county.

Also, adversely to Senate bills of like character, and for similar reasons :

Eldred S. DeBardelaben of Autauga county ;
 Flemming M. Gilmer of Montgomery county ;
 Hugh Candrey of Barbour county ;
 Stephen Owen of Coffee county ;
 Lucius L. Buckalew of Chambers county ;
 Elias J. Wallace of Perry county ;
 James Clark and Beecher Campbell of Barbour county ;
 R. L. B. Owen of Lee county ;
 The reports were concurred in.

Also, asked that the following bills be recommitted to the committees indicated :

For the relief of Joseph McLaughlin of St. Clair county ;
 To regulate the sale of delinquent lands and town lands in the county of Madison ;

For the relief of Thos. Merriwether of the county of Montgomery, Alabama ;

For the relief of Nelly Craney of Colbert county ;

For the relief of Jerry A. Guy of Lee county ;

To the Committee on Ways and Means.

To ratify and confirm all acts and things done and performed by the Intendant and Council of the town of LaFayette, in Chambers county ;

To the Committee on Corporations.

To amend section two, to add an additional section to an act to authorize W. L. Young to improve the navigation of Bassett's Creek in Washington county, Alabama, approved February 19th, 1867 ;

To the Committee on Internal Improvements.

For the relief of W. F. Taylor of Tuskaloosa county ;

For the relief of Rhody Johnson of Montgomery county ;

To the Judiciary Committee.

The request was granted, and the bills recommitted as indicated.

Also, favorably, with amendment, to the bill—

Authorizing W. B. Patterson, administrator of the estate of John G. Stokes, deceased, to sell a certain house and lot in the town of Clopton, Dale county, Alabama, and belonging to said estate.

Amend by adding the following :

“Provided, That said land shall first be appraised by three disinterested parties, and not sold for a less amount than the

appraised value, and also approved by the judge of probate of said county."

The amendment was adopted, the bill read the third time forthwith and passed.

Also, favorably to the bill—

To prohibit the sale of spirituous liquors within one mile of Wesley Chapel Church, in Coffee county ;

To divide Baldwin county into four commissioners districts;

To allow Patsey Wesson of Talladega county, to take possession of certain property conveyed by will of her father, John Willingham ;

To authorize the clerk of the circuit court of Hale county Alabama, to act as clerk of the county court of said county

To prohibit the sale of spirituous liquors at or within one-fourth of a mile of Andrew Chapel Lodge, in Tallapoosa county ;

To authorize Catherine Harper to sell a certain piece of land ;

To authorize the commissioners court of DeKalb county to levy a special tax on tax payers of said county for a certain purpose ;

To require the tax collector of Winston county to take jury claims in payment of the county taxes ;

To prevent the sale of spirituous or vinous liquors within two miles of the Baptist Church at Fayetteville, Talladega county ;

To authorize Mrs. Mary L. McCanaloss to sell and make titles to certain lands therein described ;

For the relief of Ida Waddell, of Tallapoosa county ;

To remove the administration of the estate of James W. Powers, deceased, from the county of Wilcox to the county of Butler ;

To authorize Eliza C. Bradley to sell certain lands in Coffee county ;

To restrict the amount which may be allowed to the county officers of Coffee county for ex-officio services ;

To empower Lucy Dinkins, executrix of Edward Dinkins, late of Pike county, to sell certain lands ;

To authorize Temperance Faircloth to sell the land of or belonging to James Floyd Faircloth, deceased ;

To restrain the powers of the commissioners court of Coffee county ;

To regulate legal notices in the county of Jackson ;

To authorize Martin Walker to erect a mill dam across Paint Rock River, in Jackson county ;

To restrain the tax collector of Randolph county from collecting certain taxes therein named ;

Which were severally read the third time forthwith and passed.

Also, adversely to the bills—

For the relief of Martha Jane Hunter, of Tallapoosa county ;

To compel the county officers of Jackson county to reside at their respective county seat ;

To prevent the sale of spirituous liquors within one and one-half miles of the town of New Lexington, in Tuskaloosa county ;

The reports were concurred in.

Also, favorably to the bills—

To preserve order at the China Grove Camp Ground, in Dale county ;

To prohibit the assessment or collection of, or the appropriation of, the tax of Pike county for the erection of a courthouse ;

Which were read the third time forthwith and passed, and ordered to the Senate.

Also, adversely to the Senate bills, with amendments—

To prevent camp-hunting in the counties of Coosa and Clay.

Amend by making the provisions of the bill applicable to Covington, and amend the title to correspond with this amendment.

Also, amend by adding to the first section the words, “ unless they camp, by permission, on the premises of a resident citizen of said counties, give their names to said citizen, and be responsible respectively for damages done by dogs, fire and otherwise.”

The amendments were adopted ;

The bill read the third time forthwith and lost.

On motion of Mr. White,

The vote by which the bill was lost was reconsidered.

The question again recurring on the passage of the bill,

It was lost.

Also, favorably to the Senate bill—

To change the name of Johnngeline McMichael to Johnngeline Curtis ;

The bill was read the third time forthwith and passed.

Message from the Governor, by Mr. Gindrat:

Mr. Speaker :

I am directed by his Excellency the Governor, to inform you that he has approved the following acts originating in the House of Representatives:

An act to authorize the executrix of the last will and testament of F. S. Denson, deceased, to sell certain lands at private sale ;

An act for the relief of the Alabama Insane Hospital ;

An act to repeal an act to appoint counsel in certain cases, approved December 30, 1868 ;

An act requiring justices of the peace of Geneva and Randolph counties to act as apportioners and supervisors of public roads in their respective beats ;

An act for the relief of John A. H. Caddell, of the county of Etowah, Ala., of non-age ;

An act to prohibit attorneys in certain cases from practicing their profession in probate and chancery courts ;

An act to consolidate the funds of fines and forfeitures and general fund of the county of Marengo ;

An act to amend section 3439 of the Revised Code of Alabama ;

An act to amend section 1323 of the Revised Code of Alabama ;

An act to amend section (2) two of an act to incorporate the Stafford Mills of Pickens county ;

And joint resolution for the relief of J. & B. Trimble, of Montgomery county.

JOHN H. GINDRAT,
Private Secretary.

Mr. Rice, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To provide for the repair and improvement of the Alabama Institution for the Deaf and Dumb and the Blind ;

To establish a chancery court for the county of Sanford ;

To amend section 13 of an act entitled an act in relation to the chancery courts in Alabama, approved August 12, 1868.

Mr. Black, from the Committee on Local Legislation, reported favorably to the following bills :

To authorize Mrs. Laura A. Copeland, of Cleburne county, to sell and make title to certain land therein named ;

To amend an act to regulate the finances of Coffee county ;

For the relief of Geo. W. Henderson, of Lee county ;

To make Mrs. Marcilla F. Turner, of Tuskaloosa county, a free-dealer ;

To remove the disabilities of non-age from Martin Clitherall Petty, of the county of Sanford ;

For the relief of Laura Terry, of Geneva county ;

To remove the administration of the estate of James Metcalf from the county of Marion to the county of Sanford ;

The bills were severally read the third time forthwith and passed.

Also, favorably, with amendments, to the bill—

To abolish fences and enclosures in certain localities in the county of Macon.

Amend by striking out “ five ” and inserting “ two,” in the eleventh line of the 2d section. Add to the 3d section the words, “ Provided, that this act shall not apply to owners of stock outside of the proposed boundary.”

Pending the consideration of the bill and amendments,

The hour of 12 o'clock having arrived—

On motion of Mr. Oates, all business before the House was suspended to take up the Railroad Bond subject ;

The question being on the adoption of Mr. Lewis' amendment to the substitute offered by Mr. Steele.

Pending the consideration of the amendment—(Mr. Bradford entitled to the floor)—

A message was received from the Governor by Mr. Gin-drat :

STATE OF ALABAMA,
Executive Department,
Montgomery, Feb. 13, 1871. }

Gentlemen of the House of Representatives :

I have just been informed of the death of the Hon. James F. Morton, a Senator and member of the present General Assembly.

In communicating this sad intelligence, I beg leave to suggest a proper manifestation of respect to the memory of the deceased.

ROBT. B. LINDSAY.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has appointed a committee of three to make arrangements for the funeral obsequies of the late Senator J. F. Morton.

Messrs. Farden, Sibley and Barr, are said Committee.

Respectfully,

M. P. BLUE,
Secretary of Senate.

The Speaker appointed Messrs. Boyd, Drake and Powell, as a Committee on the part of the House, to report the necessary action.

After an informal recess, the House convened.

Mr. Boyd, from the joint committee, reported the following :

Whereas, the House has been officially notified by His Excellency, the Governor, of the death of the Hon. J. F. Morton, late member of the Senate; therefore,

Be it resolved, That this House do now adjourn until 10 o'clock on Wednesday, as a tribute of respect to the memory of the deceased.

The House adjourned till Wednesday morning, 10 o'clock.

TUESDAY, February 14th, 1871.

The House met informally this morning, and attended the funeral of the Hon. J. F. Morton.

The House then adjourned till Wednesday morning 10 o'clock.

WEDNESDAY, February 15, 1871.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Golland.

Journal of Monday read and approved.

Mr. Powell, from the committee on Enrolled Bills, reported the following as correctly enrolled :

To legalize the division of the assessment-lists therein named ;

For the relief of persons therein named, from disabilities of non-age ;

Prohibiting the admission of idiots and imbeciles who are not insane into the Alabama Insane Hospital ;

To legalize the tax sales of real estate made in Winston county ;

To amend an act to declare William Russell of Geneva county, a liner between said county and Coffee, a citizen of Coffee county, approved March 3d, 1870 ;

To consolidate the offices of tax collector and assessor in the county of Walker ;

To repeal an act to increase the compensation of executors, administrators, guardians, and county court commissioners in Lauderdale county, approved Feb. 19th, 1867 ;

To provide for the support of the Alabama Insane Hospital ;

To repeal section 21 of an act to establish a new charter for the town of Marion, in the county of Perry.

On motion of Mr. Oates,

The Senate joint resolution, relative to adjournment of the two Houses on the 15th day of February, 1871,

Was taken up.

Mr. Oates moved to amend, by fixing the day of adjournment on the 25th instant ;

Mr. Hewitt moved to make it on the 27th instant ;

Mr. Moore moved to amend, by fixing the 12th of March ;

Lost.

Mr. Strobach moved to postpone the further consideration, indefinitely ;

On motion of Mr. Oates,

The motion was laid on the table.

The resolution was amended, by making the time of adjournment the 27th instant ;

On motion of Mr. White,

The previous question on the adoption of the resolution was ordered ;

The resolution was adopted ;

Yeas 72, nays 15.

Those who voted yea are—

Messrs. Speaker, Alley, Appleton, Ashurst, Bassett, Black, Box, Boyd, Bradford, Bulger, Callaway, Carmichael, Clem-

ents, Cochran, Cowan, Craig, Crook, Curtis, Davis, Diggs, Doster, Dozier, Drake, Duskin, Etheridge, Gee, Graham, Grayson of Madison, Hamilton, Haralson, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, King, Leath, Lewis, Lindsay, Lumpkin, McCall, McCaskey, Miller, Mooring, Murrah, Oates, Perrin, Powell, Raiser, Rice, Simms, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Toomer, Toulmin, Ware, Weatherford, Wells, White, Williams and Wyman—72.

Those who voted nay are—

Messrs. Bullock, Carlin, Clark, Dustan, Ellison, Gaskin, Harmount, Johnson of Dallas, Lowe, Moore, Nininger, Payne, Smith of Greene, St. Clair and Strobach—15.

Mr. Gunn, by leave, offered the following resolution ;

Which, under the rules of the House, lies over one day :

Resolved, That the House of Representatives hereafter hold evening sessions in addition to their regular morning session, and that said evening sessions shall begin at 4 o'clock, p. m.

Mr. Wyman, by leave, offered a resolution, which lies over one day under the rule :

Resolved, That, beginning with to-night, the House shall, for the remainder of this session of the General Assembly, hold night sessions, beginning at 7½ o'clock.

Mr. Harmount, by leave, offered the following :

WHEREAS, An article appeared in the "Alabama State Journal" on yesterday, charging members of the House with fraud and corruption ; and whereas, these statements are, in the opinion of the House, without foundation in fact, and calculated to injure the good name of the people of the State ; therefore,

Resolved, That such unwarranted statements, in any newspaper, are condemned by the members of the House of both political parties.

Mr. Strobach moved to lay the resolution on the table ;

Lost.

On motion of Mr. Thompson—

The further consideration was indefinitely postponed.

By leave, bills were introduced

By Mr. Dustan—

To repeal an act to extend the corporate limits of the city of Demopolis ;

Which was read the first and second times forthwith, and referred to the Committee on Corporations.

By Mr. Lowe—

To attach the county of Madison to the 4th judicial circuit of the State ;

Which was read the first, second and third times forthwith, and passed.

Also—

To define the duties of the Recording Secretary in the Executive Chamber ;

Which was read the first and second times forthwith and referred to the Judiciary Committee.

By Mr. Graham—

For the relief of Ann V. Scott, of Perry county ;

Which was read the first and second times forthwith.

Mr. Oates moved to amend by making its provisions applicable to all females in the State of Alabama.

On motion of Mr. Bulger,

The amendment was laid on the table.

The bill was read the third time forthwith and passed.

Mr. Dustan moved to suspend all business before the House to allow committees to report.

On motion of Mr. Moore,

The motion was amended so that the order of business should be, the reports of Standing Committees from day to day until the hour of 12 o'clock should arrive each day.

As amended, the motion prevailed.

Mr. Toulmin, from the Judiciary Committee, reported favorably to the bill—

To repeal chapter 7, of title 3, of part 4, of the Revised Code of Alabama, so far as the same relates to the county of Henry.

The bill was amended so as to make its provisions applicable to Dale, Madison, Tuskaloosa, Coosa and Choctaw ;

The House refused to make its provisions apply to the counties of Sumter, Greene, Jefferson and Pickens.

Thus amended, the bill was read the third time forthwith, and passed.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has passed House bills as follows :

To declare certain persons therein named free dealers ;

To authorize and empower Henry C. Copeland, a minor, of Barbour county, to settle with his guardians ;

To authorize executors and administrators to compromise or sell claims due estates ;

To prohibit the dealing in county claims by public officers.

And has amended, as therein shown, and passed, House bills--

To regulate the enclosure of stock in a portion of Greene county therein defined.

And has originated and passed the following bills :

To regulate the manner of bringing suits for the recovery of the public school funds of this State ;

To enable the mayor of the city of Demopolis to open the streets of said city ;

For the partial relief of the tax-payers of Russell county ;

To amend subdivision 19 of section 112 of an act entitled An act to establish revenue laws for the State of Alabama, approved December 31, 1868 ;

To provide for the opening and building of a public road in Madison county, and for the appointment of special commissioners to execute the provisions of this act ;

To establish an election precinct at Brierfield, in Bibb county ;

To declare Fynetta Nelson, wife of Benjamin F. Nelson, of Franklin county, a free dealer ;

For the relief of Mrs. Martha Burch, of Lee county, wife of A. H. Burch, and Mrs. Lavinia Logan, wife of J. H. Logan, of Bibb county ;

To make Mrs. Elizabeth E. Hill, of Montgomery county, a free dealer ;

To make an appropriation to pay the funeral expenses of the late Hon. J. F. Morton.

And has adopted House joint resolutions--

To investigate into the Department of Education ;

And appointed Messrs. Worthy, Richards and Steward the committee on the part of the Senate.

M. P. BLUE.

Secretary of Senate.

Mr. Toulmin, from the same committee, reported a substitute for the bill--

To regulate the chancery courts in the third chancery division of this State ;

The substitute was adopted, the bill read the third time and passed.

Mr. Boyd, by leave, offered the following resolution ;

Which was adopted :

Resolved, That the committee on amendments to the Constitution be instructed to report to this House their action, at an early day.

Mr. Toulmin, from the Judiciary Committee, reported favorably, with amendments, to the bill—

To exempt certain property from levy and sale.

Amend the 1st section by adding thereto the following words :

Provided, That this section shall not apply to administrators, executors, guardians, or trustees, or their sureties on their official bonds, for liabilities incurred in their official character ; and as to whom there shall be exempt five hundred dollars worth of land, and five hundred dollars worth of personal property, to be selected by the head of the family.

Strike out the word “final” wherever it occurs in the bill, and insert “legal.”

In the first line of the third section strike out the word “eighty,” and insert “one hundred and twenty.” “Strike out the fifth section.” Add the following words to section seven: “and the sheriff or other officer shall return the affidavit, and the execution to the office from whence it was issued ; and it shall be lawful for the plaintiff in execution, to file a suggestion that the affidavit is not true, and thereupon an issue shall be made up to be tried at the next term of the circuit court, whether any other property claimed by the defendant to be exempt from execution be liable to the satisfaction of the same, or not ; and if it shall be found liable it shall be condemned to the satisfaction of the judgment, and the levy shall be held to cover the same.” Insert the word “all” between the words “of” and “his” in the 7th line of the 8th section. Add to the 8th section the following words: “Provided, further, That if the sheriff or other officer making the levy shall deem the valuation made by the defendant to be less than the true valuation thereof, it shall be his duty to summon three disinterested free-holders, who shall be sworn to make the valuation fairly.”

Pending the consideration of the amendments—

The hour of 12 o'clock having arrived, the adoption of the amendment to the substitute for the

Joint resolution providing for the payment of the interest legally due by Alabama, on account of endorsement of railroad bonds,

Being the question before the House, its consideration was resumed.

Pending its consideration, (Mr. Oates entitled to the floor),

The following message was received from the Governor by Mr. Gindrat :

EXECUTIVE DEPARTMENT,
State of Alabama,
 Montgomery, February 15, 1871. }

To the House of Representatives :

I respectfully return without my approval, a bill which originated in the House of Representatives :

To create a new chancery district out of the counties of Dale and Geneva.

Article VI, section 8 of the constitution provides that a chancery court shall be held in each county, at a place fixed by law, and the chancellors may hold courts for the each other, when they deem it expedient.

The language of this section is to my mind not only explicit but emphatic, and I can not admit, as it is sometimes argued, that its provisions are satisfied either in letter or spirit by the 5th section of the same article, which invests the circuit courts with limited concurrent jurisdiction.

I do not object to the expediency of uniting two or more counties in one chancery district. Under former constitutions it was not unusual to do so, but the plain mandatory section of our present constitution, which I cite, compels me to withhold my approval of the bill I return.

ROBT. B. LINDSAY.

On motion of Mr. Hewitt, the House adjourned till seven o'clock to-night.

NIGHT SESSION.

FEBRUARY 15, 1871.

The House met pursuant to adjournment.

On motion of Mr. Dustan, the roll was called, when the following members answered to their names :

Messrs. Speaker, Appleton, Ashurst, Benson, Boyd, Bradford, Bullock, Callaway, Carlin, Carmichael, Cochran, Cowan, Craig, Curtis, Davis, Doster, Dozier, Drake, Duskin, Dustan, Ellison, Etheridge, Gaskin, Grayson of Madison, Gunn, Hamilton, Harmount, Henderson, Hitchcock, Hodo, Howell, Hurt, Johnson of Coosa, Kennedy, King, McCall, McClaskey, Miller, Moore, Mooring, Ninninger, Payne, Raisler, Rice, Smith of Choctaw, Speake, Steele, Toomer, Weatherford and White—50.

Mr. Boyd moved that the Door-keeper be instructed to bring absent members into the Hall of the House.

On motion of Mr. Rice, the motion was laid on the table.

Mr. Toomer moved that the Sergeant-at-arms bring in several absent members designated by him.

On motion of Mr. Speake, the motion was laid on the table.

The Speaker ruled that the call of the roll suspended the reports of committees for one hour.

On motion of Mr. Harmount, the House proceeded to the consideration of the bill—

To establish revenue laws for the State of Alabama ;

Which was read the second time.

Mr. Clark asked for leave of absence for Mr. Diggs ;

Which was refused.

Mr. Toomer moved to adjourn till 10 o'clock to-morrow ;

Lost.

On motion of Mr. Bulger, the bill was taken up by sections :

The 1st and 2d sections were read and adopted.

Mr. Boyd moved to amend the 3d section by striking out the 14th and 15th lines, and inserting the words "all libraries not kept for sale."

On motion of Mr. Rice, the amendment was laid on the table.

Mr. Carmichael moved to amend the 3d section by adding

to the 16th line the words, "and the same amount shall be exempted to each administrator or guardian in behalf of his estate, or ward, or wards ;"

Lost.

Mr. Smith of Greene, moved to amend the 16th line of the 3d section by striking out the word "personal," and adding at the end of the line the words, "to be elected by the head of the family."

Mr. Toomer moved to adjourn ;

Lost.

On motion of Mr. Carmichael, the amendments were laid on the table.

Mr. Toomer moved to amend the 10th line of the 3d section by adding after the word "scientific," the word "agricultural."

On motion of Mr. Hewitt, the amendment was laid on the table.

Mr. Haralson moved to amend by inserting in lieu of the 32d line of the 3d section, the words "on all hogs of whatever kind or discription, six months old, shall be taxed 15 cents to be applied exclusively for school purposes."

On motion of Mr. Rice, the amendment was laid on the table.

Mr. Bulger moved to amend the 16th line of the 3d section by inserting the following words : "to every head of a family, personal or real property to the value of five hundred dollars, at the option of said head of the family."

Mr. Kennedy offered the following as a substitute for the proposed amendment : strike out "personal" and insert "taxable ;" strike out "five" and insert "three."

On motion of Mr. Oates, the amendment and substitute therefor, were laid on the table ;

Yeas 42, nays 33.

Those who voted yea are—

Messrs. Appleton, Benson, Black, Carmichael, Clark, Clements, Cochran, Cowan, Craig, Curtis, Davis, Diggs, Doster, Dozier, Drake, Ellison, Gaskin, Gee, Grayson of Madison, Gunn, Haralson, Harmount, Henderson, Hodo, Holmes of Sumter, Hurt, Johnson of Coosa, Johnson of Dallas, King, McCall, McCaskey, Moore, Nininger, Oates, Perrin, Steele, Strauss, Strobach, Taylor of Lauderdale, Thompson, Wells and Wyman—42.

Those who voted nay are—

Messrs. Speaker, Ashurst, Bassett, Boyd, Bradford, Bulger, Bullock, Callaway, Duskin, Dustan, Etheridge, Grayson of Clarke, Hamilton, Hewitt, Hitchcock, Howell, Kennedy, Lumpkin, Miller, Payne, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smitherman, Speake, St. Clair, Toomer, Ware, Weatherford and White—33.

Mr. Dustan moved to strike out the 16th line, 3d section, and insert, "to every head of a family, taxable property to the value of fifty dollars."

Mr. Oates moved to lay the amendment on the table.

Mr. Dustan called for the yeas and nays.

The amendment was laid on the table ;

Yeas 62, nays 11.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Bassett, Benson, Bradford, Bulger, Callaway, Carmichael, Clark, Clements, Cochran, Cowan, Craig, Curtis, Davis, Diggs, Doster, Dozier, Drake, Duskin, Ellison, Etheridge, Gaskin, Gee, Grayson of Madison, Gunn, Hamilton, Haralson, Harmount, Henderson, Hodo, Holmes of Sumter, Hurt, Johnson of Dallas, King, Lumpkin, McCall, McCaskey, Miller, Nininger, Oates, Payne, Perrin, Raisler, Rice, Simms, Smith of Choctaw, Smitherman, Speake, St. Clair, Steele, Strauss, Strobach, Taylor of Lauderdale, Thompson, Toomer, Ware, Weatherford, Wells, and White—62.

Those who voted nay are—

Messrs. Boyd, Bullock, Carlin, Dustan, Hewitt, Hitchcock, Howell, Kennedy, Semmes, Smith of Greene and Wyman—11.

Mr. Taylor of Lauderdale moved to amend by striking out the 25th, 26th and 27th lines of section 3.

Mr. Oates moved to lay the amendments on the table.

Mr. Boyd called for the yeas and nays, and the call being sustained,

The motion to lay on the table was lost ;

Yeas 28, nays 48.

Those who voted yea are—

Messrs. Benson, Black, Carlin, Carmichael, Clark, Craig, Curtis, Diggs, Doster, Dozier, Drake, Duskin, Dustan, Gaskin, Harmount, Henderson, Hewitt, Hodo, King, McCall, McCaskey, Nininger, Oates, Perrin, St. Clair, Steele, Thompson and Wells—28.

Those who voted nay are—

Messrs. Speaker, Appleton, Ashurst, Bassett, Boyd, Bradford, Bulger, Bullock, Callaway, Clements, Cochran, Cowan, Davis, Ellison, Etheridge, Gee, Grayson of Clark, Grayson of Madison, Gunn, Hamilton, Haralson, Hitchcock, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, Lumpkin, Miller, Payne, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smitherman, Speake, Strauss, Strobach, Taylor of Lauderdale, Toomer, Ware, Weatherford, White and Wyman—48.

Mr. Dustan moved that the House adjourn for 12 hours ;
Lost.

Mr. Cochran moved that the House adjourn till 10 o'clock to-morrow.

Mr. Toomer called for the yeas and nays.

The call being sustained, resulted in yeas 30, nays 43.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Bassett, Callaway, Curtis, Davis, Doster, Dozier, Duskin, Dustan, Etheridge, Gee, Grayson of Clark, Grayson of Madison, Hitchcock, Johnson of Coosa, Johnson of Dallas, King, Lumpkin, Miller, Payne, Simms, Speake, St. Clair, Steele, Strauss, Ware, Weatherford and Wells—30.

Those who voted nay are—

Messrs. Benson, Black, Boyd, Bradford, Bulger, Bullock, Carlin, Carmichael, Clark, Clements, Cochran, Cowan, Craig, Diggs, Drake, Ellison, Gaskin, Gunn, Hamilton, Haralson, Harmount, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Kennedy, McCaskey, Nininger, Perrin, Raisler, Rice, Semmes, Smith of Choctaw, Smith of Greene, Smitherman, Strobach, Taylor of Lauderdale, Thompson, Toomer, White and Wyman—43.

Mr. Boyd moved that the sergeant-at-arms be instructed to bring in absent members.

Mr. Rice moved to lay the motion on the table ;

Lost.

Leave of absence was granted Mr. Speake.

Mr. Boyd asked leave of absence for Mr. Toomer.

The House refused leave of absence.

Mr. Carlin moved that the House adjourn at 12 o'clock to meet at 10 o'clock to-morrow morning.

Mr. Dustan called for the yeas and nays.

The motion to adjourn was lost ;

Yeas 10, nays 60.

Those who voted yea are—

Messrs. Boyd, Carlin, Clark, Craig, Diggs, Drake, Ellison, Gaskin, Smith of Choctaw and Toomer—10.

Those who voted nay are—

Messrs. Speaker, Appleton, Bassett, Benson, Black, Bradford, Bulger, Bullock, Callaway, Carmichael, Clements, Cochran, Cowan, Curtis, Davis, Doster, Dozier, Duskin, Dustan, Etheridge, Gee, Grayson of Clark, Grayson of Madison, Gunn, Hamilton, Haralson, Harmount, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Lumpkin, Miller, Nininger, Payne, Perrin, Raisler, Rice, Semmes, Simms, Smith of Greene, Smitherman, St. Clair, Steele, Strauss, Strobach, Taylor of Lauderdale, Thompson, Ware, Weatherford, Wells, White and Wyman—60.

Mr. Strobach moved that the House adjourn till 10 o'clock to-morrow morning.

Mr. Toomer called for the yeas and nays.

The House adjourned ;

Yeas 47, nays 23.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Bassett, Benson, Black, Bradford, Bulger, Bullock, Callaway, Carmichael, Clark, Clements, Cowan, Curtis, Davis, Diggs, Dozier, Doster, Dustan, Etheridge, Gee, Grayson of Clark, Grayson of Madison, Hamilton, Hitchcock, Hodo, Holmes of Sumter, Howell, Hurt, Kennedy, King, Lumpkin, Miller, Nininger, Payne, Simms, Smitherman, St. Clair, Steele, Strauss, Strobach, Toomer, Ware, Weatherford, Wells and White—47.

Those who voted nay are—

Messrs. Boyd, Carlin, Cochran, Craig, Drake, Duskin, Ellison, Gaskin, Gunn, Haralson, Hewitt, Holmes of Baldwin, Johnson of Dallas, McCaskey, Perrin, Raisler, Rice, Semmes, Smith of Choctaw, Smith of Greene, Taylor of Lauderdale, Thompson and Wyman—23.

THURSDAY, February 16, 1871.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Appleton.

Journal of yesterday was read and approved.

Mr. Dustan moved to suspend the regular call of Committees, to allow the Committee on Education to make a report on a certain bill ;

Lost.

Mr. Murrah moved a suspension to allow him to introduce a bill—

Lost.

Mr. Bullock moved a suspension to allow him to introduce a bill—

Lost.

On motion of Mr. Carmichael, the veto message of the Governor to the bill—

To create a new chancery division out of the counties of Dale and Geneva ;

Was taken up, and passed by a vote of 67 yeas and 21 nays, notwithstanding the Governor's veto.

Those who voted yea are,

Messrs. Appleton, Bassett, Box, Boyd, Bradford, Callaway, Carlin, Carmichael, Clark, Cowan, Craig, Crook, Davis, Doster, Drake, Duskin, Dustan, Ellison, Etheridge, Gaskin, Gee, Graham, Grayson of Clarke, Grayson of Madison, Green, Haralson, Harmount, Henderson, Hewitt, Hitchcock, Holmes of Baldwin, Howell, Johnson of Dallas, Kennedy, King, Lewis, Lindsay, Lowe, Lumpkin, McCall, McCaskey, Murrah, Nininger, Oates, Perrin, Powell, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Sumter, Smitherman, Speake, Speed, St. Clair, Strobach, Taylor of Lauderdale, Thompson, Toomer, Toulmin, Ware, Weatherford, Wells, White and Wyman---67.

Those who voted nay are,

Messrs. Speaker, Ashurst, Benson, Bullock, Clements, Cowan, Curtis, Dozier, Gilchrist, Gunn, Hamilton, Hodo, Hurt, Johnson of Coosa, Leath, Miller, Mooring, Smith of Greene, Steele, Taylor of Winston and Williams—21.

Mr. Rice, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To authorize and empower Henry C. Copeland, a minor, of Barbour county, to settle with his guardian ;

To authorize executors and administrators to compromise or sell claims due estates ;

To prohibit the dealing in county claims by public officers ;

To declare certain persons therein named, free-dealers ;

Message from the Senate by Mr. Whiting.

Mr. Speaker :

The Senate has originated and passed bills as follows :

For the relief of certain school officers ;

To make Louisa M. Turner, wife of T. M. Turner of Bullock county, a free-dealer.

And has passed the House bills—

To permanently locate the county seat of Baker county ;

For the relief of James H. Booth, as administrator of the estate of Benjamin F. Boon ;

To amend an act entitled an act to establish a new charter for the city of Huntsville, approved March 3d, 1870 ;

To repeal section 2 of an act entitled an act to register and pay the debts of Sumter county ;

To fix the times for holding the chancery courts in the middle chancery division ;

To increase and regulate the pay of jurors and witnesses in the county of Henry ;

To relieve the Mobile Exchange and General Insurance Company from the forfeiture of its charter ;

For the relief of the solicitors of the counties of Macon, Monroe and Baldwin, approved March 3d, 1870.

And has amended as therein shown, and passed House bills, as follows :

To amend section 1 of an act to establish public pounds in the county of Montgomery, approved March 3d, 1870 ;

To prevent prize fighting in the State of Alabama.

Respectfully,

M. P. BLUE,
Secretary of the Senate.

Message from the Governor by Mr. Gindrat :

Mr. Speaker :

I am directed by His Excellency, the Governor, to inform

you that he has approved the following acts, originating in the House of Representatives :

To prevent slander and defamation ;

To amend section 14 of an act entitled "An act in relation to the chancery courts in Alabama," approved August 12th, 1868 ;

To repeal section 21 of an act entitled "An act to establish a new charter for the town of Marion, in the county of Perry";

Prohibiting the admission of idiots and imbeciles, who are not insane, into the Alabama Insane Hospital ;

To legalize the tax sales of real estate made in Winston county ;

To amend an act to declare William Russell of Geneva county, a liner between said county and Coffee, a citizen of Coffee county, approved March 3d, 1870 ;

To consolidate the offices of tax collector and assessor, in the county of Walker ;

To repeal an act to increase the compensation of executors, administrators, guardians, and county court commissioners, in Lauderdale county, approved Feb. 19th, 1867 ;

To legalize the division of the assessment-lists named therein ;

To provide for the support of the Alabama Insane Hospital ;

For the relief of persons therein named from the disabilities of non-age ;

To amend the charter of the city of Selma, approved December 4th, 1867 ;

To prohibit the dealing in county claims by public officers ;

To authorize executors and administrators to compromise on all claims due estates ;

To authorize and empower Henry C. Copeland, a minor, of Barbour county, to settle with his guardian.

Respectfully,

JOHN H. GINDRAT,
Private Secretary.

On motion of Mr. Bradford, the resolutions relative to altering and fixing the time of the meeting of the daily sessions of the House, were taken up and laid on the table.

The report of the Judiciary Committee to the bill—

To exempt certain property from levy and sale ;

Was taken up, and the question being on the adoption of the amendments proposed by the committee,

The first amendment was adopted.

Mr. Smith of Choctaw moved to reconsider the vote by which the amendment was adopted.

Lost.

Mr. Hewitt moved to strike out the first section of the bill.

On motion of Mr. Bulger,

The motion was laid on the table.

Mr. Smith of Choctaw moved to lay the bill on the table.

Lost.

The second amendment was adopted.

Mr. Taylor of Lauderdale moved to amend the third amendment proposed by the committee, by striking out "one hundred and twenty," and inserting "one hundred and sixty."

Lost.

Mr. Hewitt offered the following as a substitute for the committee amendment :

Section 3, first line, after the word "exceeding," the words, "in value two thousand dollars, and in no case less than." Strike out in the second line, 3d section, the words, "and the dwelling and appurtenances thereon."

Pending the consideration of the substitute—

The hour of 12 o'clock having arrived, the

Joint resolutions providing for the payment of the interest legally due by Alabama on account of endorsement of railroad bonds,

Were taken up.

Pending the discussion of the joint resolutions—

On motion of Mr. Toomer,

The House adjourned till 10 o'clock a. m., to-morrow.

FRIDAY, February 17, 1871.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Golland.

Journal of yesterday was read and approved.

On motion of Mr. Bullock, the House concurred in the Senate amendment to the House bill—

To regulate the enclosure of stock in a portion of the county of Greene therein defined.

On motion of Mr. Murrah, the House took up the Senate bill—

To amend subdivision 19 of section 112 of an act entitled An act to establish revenue laws for the State of Alabama, approved December 31, 1868 ;

Which was read the first, second and third times forthwith, and passed.

Mr. Bulger offered a resolution, which the Speaker decided would have to lie over one day, under the rules of the House :

Resolved, That hereafter, and including this day, this House will hold afternoon sessions, to begin at 4 o'clock p. m. each day.

Mr. Boyd moved to suspend the rules of the House, to take action on the resolution at once.

The motion prevailed.

The resolution was adopted.

Message from the Governor by Mr. Gindrat :

EXECUTIVE DEPARTMENT, }
Montgomery, Feb. 14th, 1871. }

Mr. Speaker :

I am directed by his Excellency the Governor to inform you that he has approved the following bills originating in the House of Representatives :

To declare certain persons therein named, free dealers ;

For the relief of James H. Booth, as administrator of the estate of Benjamin F. Boon.

Respectfully,

JOHN H. GINDRAT,
Private Secretary.

Also, a message, as follows :

EXECUTIVE DEPARTMENT, }
Montgomery, Feb. 17, 1871. }

To the House of Representatives :

I return without my approval a bill originating in the House of Representatives, to permanently locate the county seat of Baker county.

I regret to have to pursue this course, as the provisions and objects of the bill are of great importance to the people of

Baker county ; but as the 3d section of the bill, which requires a voter to have resided six months in the county to entitle him to vote, is clearly violative of the 2d section of Article VII of the Constitution, which prescribes a residence of three months, I cannot, therefore, approve it.

Should the General Assembly consider my objections well taken, I recommend the speedy passage of a law free from such objection, in order that the people of Baker may be enabled to accomplish what is contemplated by the bill I return.

ROBT. B. LINDSAY.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has concurred in the House amendment to the Senate joint resolution relative to adjournment.

M. P. BLUE,
Secretary of Senate.

Mr. Bulger moved to suspend the order of business, to take up the revenue bill ;

Lost.

The business before the House was suspended for the

CALL OF THE COUNTIES.

Bills were introduced by,

Mr. Haralson—

To amend the concluding paragraph of section 3 of an act entitled an act to establish a criminal court for the county of Dallas, approved February 23d, 1870.

Mr. Powell—

To empower administrators, executors, sheriffs and coroners to administer oaths to appraisers of property belonging to estates of deceased persons ;

Also—

To apprehend horse thieves in the State of Alabama ;

Also—

To repeal an act entitled an act to authorize the publication of the laws of the State of Alabama, approved October 10, 1868.

Mr. Lumpkin—

To authorize William O. Sharp to sell certain lands therein described.

Mr. Johnson of Coosa—

To authorize M. D. Moore, and Belle Taylor, guardians, &c., to sell certain property therein named.

Mr. Cochran—

To amend section 3101 of the Revised Code of Alabama.

Mr. Benson—

For the compensation of the sale of her late husband's land, by Ann M. Sassnett of Elmore county.

Mr. Toulmin—

In relation to the competency of witnesses.

Mr. Hodo—

To provide temporarily for vacancies in the office of sheriffs.

Mr. Holmes of Sumter—

To amend an act contained in section 3688 of the Revised Code of Alabama, to protect children under twelve years of age from decoy or seizure.

Mr. Marlowe—

To consolidate the funds of fines and forfeitures, and the general fund in the county of Dallas.

Mr. Wyman—

To provide for the payment of a debt due from the State of Alabama to the Central Bank of Alabama ;

Which were severally read the first and second times forthwith, and referred to the Judiciary Committee.

Mr. Harmount—

To authorize the probate of the last will and testament of John C. Judkins, deceased, who was an inhabitant of Macon county in this State, at the time of his death, in the probate court of Montgomery county, and to authorize the execution of said will and testament in said probate court of Montgomery county.

Mr. Carmichael—

To create a new chancery district out of the county of Dale.

Mr. Oates—

To require the judges of the circuit courts of this State to interchange with each other in holding the courts in their respective circuits.

Mr. Raisler—

To authorize appeals from judgments rendered against the county, or the commissioners court of the county of Limestone ;

Which were severally read the first, second and third times forthwith, and passed, and ordered to the Senate.

Mr. Harmount—

To relieve John C. Judkins of Montgomery county, from the disabilities of minority.

Mr. Black—

For the relief of William M. Russell of Barbour county in this State.

Mr. Lumpkin—

To declare Nancy Williams, Susan E. Fielder, and Lucy L. Mitchell, free-dealers.

Mr. Johnson of Coosa—

For the relief of Benjamin F. Calfee of Coosa county.

Mr. Weatherford—

For the relief of R. S. Watkins of Franklin county.

Mr. Steele—

For the relief of William S. Gray of Colbert county.

Mr. Cowan—

For the relief of Hiram Gibson of Jackson county.

Mr. Toomer—

Making Mrs. Clara F. Newsome of Lee county, a free-dealer.

Mr. Gaskin, with petition—

To prohibit the sale of spirituous and vinous liquors at Sandy Ridge, Lowndes county.

Mr. Curtis—

To repeal the preamble of an act entitled an act to remove the court-house of Marengo county.

Mr. Holmes of Sumter—

To relieve Frank White of Sumter county, from the disabilities of minority.

Mr. Dozier—

For the relief of Elias Cohen of Perry county.

Mr. Smith of Sumter—

To authorize the owners of steam grist mills, and other grist mills, to receive one-sixth (1-6) as toll in compensation in Sumter county, for services rendered ;

Which were severally read the first and second times forthwith, and referred to the Committee on Local Legislation.

Mr. Smitherman, with petition—

To change the boundary line between the counties of Perry and Bibb ;

Also—

To add a part of Dallas county to Baker county.

Mr. Mancill, with petition—

To change the boundary line between the counties of Covington and Conecuh ;

Which were severally read the first and second times forthwith, and referred to the Committee on Counties and County Boundaries.

Mr. Payne—

To prohibit the selling, giving away, or otherwise disposing of vinous, or spirituous liquors within two miles of Village Springs, in Blount or Jefferson counties.

Mr. Leath—

To prohibit fishing in the Coosa river, or its tributaries, with nets or seines.

Mr. Johnson of Coosa, with petition—

To prevent the sale or giving away of spirituous, or vinous liquors, within one mile of Andrew Chapel and Poplar Springs Churches, in Coosa county.

Mr. Johnson of Dallas—

To prevent the sale of spirituous liquors within one mile of Shady Grove Baptist Church, Dallas county.

Mr. Smith of Sumter—

To define the corporate boundaries of the town of Livingston, in Sumter county, Alabama.

Mr. Clements—

To authorize the court of county commissioners of the county of Tuskaloosa to erect and build, or aid in erecting and building a bridge across the Black Warrior river, opposite the city of Tuskaloosa.

Mr. Perrin—

To incorporate the town of Allenton, Wilcox county ;

Which were severally read the first and second times forthwith, and referred to the Committee on Corporations.

By Mr. Powell—

To restrict the number of jurors in special cases in Butler county to fifty ;

By Mr. Bullock—

To amend sections 2961, 2962 and 2963 of the Revised Code of Alabama ;

By Mr. Smith of Greene—

To empower John W. Martin, of Tuskaloosa county, to sell and convey certain real estate ;

By Mr. Oates—

To legalize and make valid a marriage between Giles Wilkins and Elvira Wilkins, formerly Elvira Willcason, of the county of Henry ;

By Mr. Hurt—

Regulating appeals from justices and notary publics ;

By Mr. Toomer—

To repeal an act entitled an to empower the commissioners court of Chambers county to issue bonds for the purpose of liquidating the present indebtedness of the county ;

By Mr. Raisler—

To consolidate the funds of fines and forfeitures, and general fund of the county of Limestone ;

By Mr. Toulmin—

To amend section 2704 of the Revised Code of Alabama ;

Also—

To prescribe and regulate the rights and duties of guardians by nature ;

To amend sections 4341 and 4342 of the Revised Code of Alabama ;

By Mr. Hodo—

To amend an act to fix the time of holding the circuit court in the 7th judicial circuit ;

By Mr. Ashurst—

To establish a bureau of insurance in this State ;

By Mr. Clements—

To amend section 2340 of the Revised Code of Alabama ;

Which were severally read the first and second times forthwith, and referred to the Committee on Revision of Laws.

By Mr. Appleton—

To provide for securing the payment of the interest due the State on the 16th section notes ;

By Mr. Bentley—

For the relief of R. C. Benson, late superintendent of Public Schools in the county of Elmore ;

By Mr. Toulmin, (with petition)—

Making an appropriation in aid of the Medical College of Alabama ;

Which were severally read the first and second times forthwith, and referred to the Committee on Education.

By Mr. Steele—

To apportion representation to Colbert county ;

Which were severally read the first and second times forthwith, and referred to the Committee on Privileges and Elections.

By Mr. Toomer—

To fix the time of holding the circuit courts in the 9th judicial circuit of Alabama ;

Which was read the first and second times forthwith, and referred to the Special Committee, consisting of the attorneys who are members of the House from the 9th judicial circuit.

By Mr. Bullock—

For the relief of William B. Judge, of the county of Hale ;

By Mr. Semmes—

For the relief of E. B. Lott, tax collector of Mobile county ;

By Mr. Davis, (with petition)—

To allow G. W. S. Hunter, of the county of Randolph, to retail spirituous liquors without license ;

By Mr. Bulger—

For the relief of R. W. Donaldson of Montgomery county ;

Which were severally read the first and second times forthwith, and referred to the Committee on Ways and Means.

By Mr. Raisler---

To appropriate the county tax derived from rail-roads in Limestone county to the building of a bridge over Elk River, in said county ;

By Mr. Boyd---

To amend an act entitled an act relating to the place of meeting of the stockholders of the Alabama and Chattanooga Railroad Company ;

Which were severally read the first and second times forthwith, and referred to the Committee on Internal Improvements.

By Mr. Gaskins---

To make Mrs. Elizabeth A. Freeman a free-dealer ;

Which was read the first, second and third times forthwith.

On motion of Mr. Toomer,

The provisions of the bill were made to apply to Mrs. Malinda Glass, wife of W. W. Glass of Macon county.

The bill was referred to the Committee on Local Legislation.

By Mr. Semmes---

To prevent the destruction of game in this State ;

Which was read the first and second times forthwith, and referred to the Committee on the Military.

By Mr. Dustan---

In relation to fences, the protection of crops, and other

property, in township 18, range 1 and 2, east, which lies in Marengo county ;

By Mr. Smith, of Sumter---

To protect enclosed plantations, farms and other grounds in portions of Decatur county ;

By Mr. Clements---

To regulate the enclosure of stock in certain portions of Tuskaloosa county ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Agriculture and Commerce ;

By Mr. Holmes of Sumter---

To relieve Mrs. A. M. Gere, of Sumter county, from the payment of excessive taxation ;

By Mr. Marlowe---

To increase the fees of certain officers in the counties of Dallas and Perry ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Fees and Salaries.

By Mr. Marlowe, (with petition)---

For the relief of John S. Corbin, of Dallas county ;

Which was read twice under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Powell, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To permanently locate the county seat of Baker county ;

For the relief of James H. Booth, as administrator of the estate of Benjamin F. Boon ;

To amend an act entitled an act to establish a new charter for the city of Huntsville, approved March 3d, 1870 ;

To repeal section 2 of an act entitled an act to register and pay the debts of Sumter county ;

To amend an act for the relief of the counties of Macon, Monroe and Baldwin, approved March 3d, 1870 ;

To relieve the Mobile Exchange and General Insurance Company from the forfeiture of its charter ;

To fix the time for holding the chancery courts in the middle chancery division.

On motion of Mr. Bradford, the Committee on Corporations were instructed to report upon the bill amending the charter of the city of Talladega ; whereupon,

Mr. Lewis, from the Committee on Corporations, reported favorably to the bill—

To amend section 27 of an act to establish a new charter for the city of Talladega, and repeal all laws in contravention thereto, approved March 1, 1870 ;

Which was read the third time forthwith and passed, and ordered to the Senate.

By leave, Mr. Toomer, from the Committee on the Military, reported favorably to the bill—

To restrain, regulate, or prohibit the business or practice of drumming in the city of Selma ;

Which was read the third time forthwith and passed, and ordered to the Senate.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has passed the following House bills :

For the relief of the Montgomery Female College ;

To postpone the sale of property for taxes in Lowndes county ;

For the protection of fire companies in the city of Mobile ;

To prohibit the sale of, or otherwise dealing in spirituous, vinous, or malt liquors within one mile of the Masonic Lodge building in Aberfoil, in the county of Bullock ;

To make Mrs. Maria Donnell, wife of James W. S. Donnell, and Eliza G. Tucker, wife of N. B. Tucker, of Limestone county ; Mrs. Ann C. Bement, wife of Theodore Bement, of Butler county ; Mrs. Ann Jane Baker, wife of W. G. Baker, of Mobile county ; and Mrs. Francis E. Perrin, wife of Edward M. Perrin, of Dallas county, free dealers ;

Also, a bill for the consolidation of the Mobile and Northwestern railroad companies of Alabama and Mississippi, and to facilitate the objects thereof ;

Which has been ordered to the House without being engrossed.

M. P. BLUE,
Secretary of the Senate.

On motion of Mr. Dustan, the Committee on Education were instructed to report upon the bill—

For the benefit of the public schools of Marengo county ;

Whereupon Mr. Wyman, from said Committee, reported favorably to said bill, with the following amendment :

Be it further enacted, That it shall be the duty of the collectors of the tax herein described, to forward, for file in the office of the probate judge, a list containing the names of all persons who shall have paid tax under the provisions of this act, in their several collection districts.

The bill and amendment were made the special order for Monday, 21st instant, at 11 o'clock.

Message from the Senate, by Mr. Whiting :

Mr. Speaker :

The Senate has refused to pass, over the Governor's veto, the House bill—

To create a new chancery district out of the counties of Dale and Geneva.

M. P. BLUE,
Secretary of Senate.

On motion of Mr. Lowe, the House concurred in the Senate amendment to the House bill—

To revive an act to incorporate the town of Columbiana, in Shelby county.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the joint resolutions

Providing for the payment of the interest legally due by Alabama on account of endorsement of Railroad Bonds ;

Pending the consideration of which, (Mr. Toulmin being entitled to the floor)—

The House adjourned until 4 o'clock this afternoon

AFTERNOON SESSION.

House met pursuant to adjournment.

On motion of Mr. Hewitt, the regular order of business was suspended for the purpose of considering the bill—

To establish revenue laws for the State of Alabama.

The question pending being the amendment offered by Mr. Taylor, to strike out subdivision 15 of section 3—

Mr. Hewitt moved to amend the amendment of Mr. Taylor by striking out subdivision 15 of section 3, and inserting the following :

All lands donated by acts of Congress to railroads, while in progress of construction.

On motion of Mr. Taylor of Lauderdale,

The amendment to the amendment was laid on the table.

Mr. Black moved to lay the amendment of Mr. Taylor on the table;

Which was lost—yeas 27, nays 59.

Those who voted yea are—

Messrs. Alley, Black, Carlin, Clark, Craig, Diggs, Doster, Dozier, Drake, Duskin, Gaskin, Gee, Green, Harmount, Henderson, Hodo, Johnson of Dallas, King, McCall, Marlowe, Nininger, Oates, Strobach, Thompson, Wells, Williams and Wyman—27.

Those who voted nay are—

Messrs. Speaker, Appleton, Ashurst, Benson, Box, Boyd, Bradford, Bulger, Bullock, Callaway, Carmichael, Clements, Cochran, Cowan, Crook, Curtis, Davis, Ellison, Etheridge, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Haralson, Henry, Hewitt, Hitchcock, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lumpkin, Miller, Moore, Mooring, Murrah, Payne, Powell, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Sumter, Smitherman, Speake, St. Clair, Steele, Strauss, Taylor of Lauderdale, Toomer, Toulmin, Weatherford and White—59.

Mr. Taylor's amendment was adopted—yeas 58, nays 29.

Those who voted yea are—

Messrs. Alley, Appleton, Ashurst, Benson, Box, Boyd, Bradford, Bulger, Callaway, Carmichael, Clements, Cochran, Cowan, Crook, Curtis, Davis, Ellison, Etheridge, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Haralson, Henry, Hewitt, Hitchcock, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lumpkin, Miller, Moore, Mooring, Murrah, Payne, Powell, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Sumter, Smitherman, Speake, St. Clair, Steele, Strauss, Taylor of Lauderdale, Toomer, Toulmin, Weatherford and White—58.

Those who voted nay are—

Messrs. Speaker, Black, Bullock, Carlin, Clarke, Craig, Diggs, Doster, Dozier, Drake, Duskin, Gaskin, Gee, Green, Harmount, Henderson, Hodo, Johnson of Dallas, King, McCall, Marlowe, Nininger, Oates, Perrin, Strobach, Thompson, Wells, Williams and Wyman—29.

Mr. Carmichael moved that the further consideration of the bill by sections be suspended, and the bill be adopted as a whole.

Mr. Strobach moved to lay the motion on the table ;
Which was lost.

The question recurring on the motion of Mr. Carmichael,
It was lost—yeas 32, nays 54.

Those who voted yea are—

Messrs. Ashurst, Box, Callaway, Carmichael, Clements, Davis, Doster, Grayson of Madison, Harmount, Hewitt, Hodo, Howell, Hurt, King, Leath, Lewis, McCall, Miller, Murrah, Nininger, Oates, Raisler, Rice, Simms, Smith of Choctaw, Smitherman, Steele, Strauss, Toomer, Toulmin, Wells and Wyman—32.

Those who voted nay are—

Messrs. Speaker, Alley, Appleton, Black, Boyd, Bradford, Bulger, Bullock, Carlin, Clark, Cochran, Cowan, Craig, Curtis, Diggs, Dozier, Drake, Duskin, Ellison, Etheridge, Gaskin, Gee, Gilchrist, Graham, Green, Gunn, Hamilton, Haralson, Henderson, Henry, Hitchcock, Holmes of Sumter, Johnson of Coosa, Johnson of Dallas, Kennedy, Lumpkin, McCaskey, Marlowe, Moore, Mooring, Payne, Perrin, Powell, Semmes, Smith of Sumter, Speake, Speed, St. Clair, Strobach, Taylor of Lauderdale, Thompson, Weatherford, White and Williams—54.

The 3d section was adopted.

Mr. Strobach moved to amend section 4th, by inserting after the word "dollar" in the 3d line, the words "and fifty cents."

Mr. Boyd moved to lay the amendment on the table ;

Which was lost ;

Yeas 36, nays 51.

Those who voted yea are—

Messrs. Speaker, Ashurst, Bassett, Box, Boyd, Bullock, Callaway, Clements, Crook, Etheridge, Gilchrist, Gunn, Hamilton, Henry, Hewitt, Hodo, Holmes of Sumter, Howell, Hurt, Kennedy, Leath, Lumpkin, Miller, Mooring, Oates, Payne, Raisler, Simms, Smith of Choctaw, Smith of Sumter, Smitherman, Steele, Strauss, Taylor of Lauderdale, Toomer and Wyman---36.

Those who voted nay are—

Messrs. Alley, Appleton, Benson, Black, Bradford, Bulger, Carlin, Carmichael, Clark, Cochran, Cowan, Craig, Curtis, Davis, Diggs, Doster, Dozier, Drake, Duskin, Ellison, Gaskin, Gee, Grayson of Clarke, Grayson of Madison, Green, Haralson, Harmount, Henderson, Hitchcock, Johnson of Dallas, King, Lewis, McCall, McCaskey, Moore, Murrah, Nininger, Perrin,

Powell, Rice, Semmes, Speake, Speed, St. Clair, Strobach, Thompson, Toulmin, Weatherford, Wells, White and Williams---51.

The amendment was adopted ;

Yeas 53, nays 33.

Those who voted yea are—

Messrs. Alley, Appleton, Benson, Black, Bradford, Bulger, Callaway, Carlin, Carmichael, Clark, Cochran, Cowan, Craig, Curtis, Davis, Diggs, Doster, Dozier, Drake, Duskin, Ellison, Gaskin, Gee, Grayson of Madison, Green, Gunn, Haralson, Harmount, Henderson, Johnson of Dallas, King, Lewis, Lumpkin, McCall, McCaskey, Miller, Moore, Murrah, Nininger, Perrin, Powell, Rice, Semmes, Speake, Speed, St. Clair, Strobach, Thompson, Toulmin, Weatherford, Wells, White and Williams---53.

Those who voted nay are—

Messrs. Speaker, Ashurst, Bassett, Box, Boyd, Bullock, Clements, Crook, Etheridge, Gilchrist, Grayson of Clarke, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Hurt, Kennedy, Leath, Mooring, Oates, Payne, Raisler, Simms, Smith of Choctaw, Smith of Sumter, Smitherman, Steele, Strauss, Taylor of Lauderdale and Wyman--33.

Mr. Moore moved to amend section 4th, by inserting after the word "tax" in 3d line, the following :

"To be collected at the time of the assessment ;"

Which was laid on the table.

Mr. Smith of Choctaw, moved to lay the bill on the table ;
Which was lost.

The 4th and 5th sections were adopted.

Mr. Duskin moved to amend section 6th, by striking out sub-division 22, which is as follows :

"All investments in the stocks of any company or corporation of this State."

Mr. Hewitt moved to lay the amendment on the table ;
Which was lost.

The amendment was adopted.

On motion of Mr. Grayson of Madison, in sub-division 10, the following words were stricken out :

"All tools of whatever description, and all farming implements and their value."

Mr. Bulger moved to amend sub-division 5, by striking out the word "one," and inserting "three."

Mr. Gilchrist moved to amend the amendment by striking out "three," and inserting "two ;"

Which was lost.

The amendment of Mr. Bulger was adopted.

Mr. Bulger moved to amend sub-division 6, by striking out the word "two" and inserting "three ;"

Which was carried.

Mr. Bulger moved to amend sub-division 7, by striking out the word "two" and inserting "three."

Mr. Boyd moved to amend the amendment, by striking out the whole sub-division ;

Which was lost.

The amendment was adopted.

Mr. Bradford offered the following as a substitute for sub-division 4 of section 6th :

"The gross amount of sales made during the preceding year of merchandise, fruit, or confectioneries, or any article or commodity, not herein specifically taxed, made by any person engaged in the business of selling."

On motion of Mr. Boyd, the substitute was indefinitely postponed.

Mr. Moore asked for leave of absence ;

Which was refused.

Mr. Henderson moved to strike out the words "studs, jacks, jennies, and" in the 16th sub-division of section 6.

On motion of Mr. Speake, the amendment was laid on the table.

Mr. Leath moved to amend the 14th sub-division of section 6, by adding "bowie-knives" after the word "guns ;"

Which was lost.

Mr. Strobach moved to amend the 20th sub-division of section 6, by striking out the words "and goats," after the word "sheep."

Mr. Carmichael moved to strike out the whole sub-division, which reads as follows :

"The number of sheep and goats over six months old and their value."

Pending the consideration of the amendment to the amendment ;

On motion of Mr. Green—

The House then adjourned till to-morrow morning 10 o'clock.

SATURDAY, February 18, 1871.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Golland.

Journal of yesterday was read and approved.

On motion of Mr. Mooring, the Senate amendment to the House bill—

To prevent the sale of spirituous liquors within two miles of Brewersville Academy in Sumter county ;

Was concurred in.

Mr. Smith of Choctaw, moved to reconsider the vote by which the House adopted the 4th section of the revenue bill on yesterday afternoon.

On motion of Mr. Strobach, the motion was laid on the table.

On motion of Mr. Doster, the veto message of the Governor to the bill—

To permanently locate the county seat of Baker county,

Was taken up and sustained, and the bill lost by a vote of yeas 2, nays 68, on its passage, notwithstanding the veto.

Those who voted year are—

Messrs. Clark and Haralson---2.

Those who voted nay are—

Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Black, Box, Boyd, Carmichael, Clements, Cowan, Crook, Curtis, Davis, Diggs, Dozier, Drake, Ellison, Etheridge, Gaskin, Gee, Gllchrist, Graham, Grayson of Clarke, Grayson of Madison, Green, Gunn, Hamilton, Harmount, Henderson, Henry, Hewitt, Hitchcock, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Leath, Davis, Lowe, McCall, McCaskey, Mooring, Murrah, Payne, Perrin, Powell, Rice, Simms, Smith of Choctaw, Smitherman, Speake, Speed, St. Clair, Steele, Strauss, Strobach, Taylor of Lauderdale, Taylor of Winston, Toulmin, Weatherford, Wells, White, Williams and Wyman--68.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has passed House bill with the following title :
For the relief of Richard H. Clarke as administrator of the

estate of William R. Christian, deceased, in the county of Marengo.

Respectfully,

M. P. BLUE,
Secretary of the Senate.

By leave, Mr. Doster introduced a bill—

To permanently locate the county seat of Baker county :

Which was read the first, second and third times forthwith, and passed, and was ordered forthwith to the Senate.

Mr. Toulmin moved a suspension of the regular order of business, to take up a Senate bill---

For the consolidation of the Mobile and North-Western Railroad Companies of Alabama and Mississippi, and to facilitate the objects thereof ;

On motion of Mr. Black,

The motion was amended, so as to take up all the Senate bills.

The bill indicated by Mr. Toulmin, was taken up,

Read the first and second times forthwith, and referred to the Committee on Internal Improvements, with instructions to report on Monday, 12 o'clock m. ;

And on motion of Mr. Bulger, 200 copies of the bill were ordered to be printed.

Mr. Doster, by leave, offered the following resolution :

Resolved by the House of Representatives, That the journal clerk of the House shall be entitled to and receive two dollars per diem during the present session of the General Assembly, in addition to the amount now received by law.

Mr. Gaskins moved to lay the resolution on the table ;

Which was lost.

The resolution was adopted.

Mr. Dustan moved to lay the motion on the table ;

Which motion was lost ;

Yeas 33, nays 47.

Those who voted yea are—

Messrs. Speaker, Bassett, Black, Carlin, Clarke, Cochran, Diggs, Doster, Drake, Dustan, Gee, Gilchrist, Graham, Green, Harmount, Henderson, Hodo, Johnson of Dallas, King, Lowe, McCaskey, Marlowe, Murrah, Rice, Speed, St. Clair, Steele, Strobach, Taylor of Winston, Thompson, Wells, Williams and Wyman—33.

Those who voted nay are—

Messrs. Ashurst, Benson, Box, Boyd, Bradford, Bulger,

Bullock, Callaway, Carmichael, Clements, Cowan, Craig, Crook, Curtis, Davis, Dozier, Ellison, Etheridge, Gaskins, Grayson of Clark, Grayson of Madison, Gunn, Hamilton, Haralson, Henry, Hewitt, Hitchcock, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Moore, Mooring, Payne, Perrin, Powell, Raisler, Simms, Speake, Taylor of Lauderdale, Toomer, Weatherford and White—47.

The resolution was reconsidered ;

Yeas 44, nays 34.

Those who voted yea are—

Messrs. Appleton, Ashurst, Bassett,¹ Box, Boyd, Bradford, Bulger, Bullock, Callaway, Carmichael, Clements, Crook, Curtis, Davis, Dozier, Ellison, Gilchrist, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Haralson, Henry, Hitchcock, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Leath, McCall, Moore, Oates, Payne, Perrin, Powell, Raisler, Simms, Smith of Sumter, Speake, Taylor of Lauderdale, Toomer, Weatherford and White—44.

Those who voted nay are—

Messrs. Speaker, Black, Carlin, Clark, Cochran, Craig, Diggs, Doster, Drake, Gaskins, Gee, Graham, Greene, Henderson, Hewitt, Hodo, Johnson of Dallas, King, Lewis, Lowe, McCaskey, Marlowe, Mooring, Murrah, Rice, Smitherman, Speed, Steele, Strobach, Taylor of Winston, Thompson, Wells, Williams and Wyman—31.

The resolution was adopted ;

Yeas 42, nays 30.

Those who voted nay are—

Messrs. Speaker, Benson, Black, Boyd, Carlin, Clark, Clements, Cochran, Craig, Crook, Diggs, Doster, Drake, Dustan, Gee, Graham, Grayson of Clarke, Green, Harmount, Henderson, Hewitt, Hodo, Holmes of Baldwin, Johnson of Dallas, Kennedy, King, Lewis, Lowe, McCaskey, Marlowe, Mooring, Murrah, Rice, Semmes, Smitherman, Speed, Strobach, Thompson, Toulmin, Wells, Williams and Wyman—42.

Thos who voted nay are—

Messrs. Ashurst, Box, Bradford, Bulger, Bullock, Callaway, Carmichael, Curtis, Dozier, Gaskins, Grayson of Madison, Gunn, Hamilton, Haralson, Henry, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Leath, McCall, Perrin, Powell, Raisler, Simms, Speake, Taylor of Lauderdale, Toomer, Weatherford and White—30.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has passed House bills as follows :

For the relief Schmidt & O'Brien for work done on the Capitol, and to authorize the Governor to have said work on the Capitol completed,

To create a new chancery district out of the county of Dale ;

And has originated and passed the following bills, and ordered the same to the House without having them engrossed :

To change the boundary lines of Coffee and Crenshaw counties, so as to include the south-half of section thirty-three of township 7, range 19, east, in Coffee county ;

To authorize the probate judge of Lawrence county to hold special terms of his court at the town of Courtland.

Respectfully,

M. P. BLUE,
Secretary of Senate.

By leave, Mr. Oates, offered the following resolution ;

Which was adopted :

Resolved, That a Committee of seven members, from counties composing the eastern chancery division of Alabama, be appointed to inquire into the necessity of changing and regulating the times of holding the chancery courts therein, and to report to this House by bill or otherwise.

The Speaker appointed Messrs. Toomer, Bradford, Crook, Bulger, Oates, Henry and Carmichael, as said committee.

Mr. Lewis, by leave, introduced a bill—

For the relief of the tax payers of Alabama ;

Which was read the first second times, forthwith.

On motion of Mr. Toomer,

The following proviso was added to the bill :

“Provided, no new advertisement of the time and place of sale shall be required.”

As amended, the bill was referred to the Committee on Ways and Means.

Mr. Powell, from the Committee on Eurolled Bills, reported the following as correctly enrolled :

To revive an act to incorporate the town of Columbiana, in the county of Shelby ;

For the relief of Richard H. Clark, as administrator of the

estate of William A. Christian, deceased, in the county of Marengo;

To create a new chancery district out of the county of Dale;

Mr. Rice, from the Committee on Enrolled Bills, reported the following as correctly enrolled:

For the relief of Schmidt & O'Brien, for work done on the State Capitol, and to authorize the Governor to have said work on the Capitol completed.

The hour of twelve o'clock having arrived, the House resumed the consideration of the Joint Resolutions,

Providing for the payment of the interest legally due by Alabama on account of endorsement of Railroad bonds;

Pending the consideration of which, (Mr. Bulger entitled to the floor.)

On motion of Mr. Harmount—

The House adjourned till 4 o'clock this afternoon.

AFTERNOON SESSION.

House met pursuant to adjournment.

On motion of Mr. Moore, the Senate bill—

To change the boundary lines of Coffee and Crenshaw counties, so as to include the South half of section 33, of T. 7, R. 19, E., in Coffee county;

Was taken up, read the 1st, 2d and 3d times forthwith, and passed by the unanimous vote of the House.

Mr. Smith, of Choctaw, from the Committee on Ways and Means, reported favorably to the bills—

To relief Mrs. Adele Fournier of Demopolis, Marengo county;

To make the Sheriff of Sumter county, *ex-officio* the tax collector of said county;

Which were severally read the 3d time forthwith, and passed.

Also, adversely to the bill—

To allow W. B. Sanders, of Randolph county, to peddle without taking out and paying for State and county licenses;

Which report was concurred in.

Also, favorably to the bill—

For the relief of John C. McRea, John McNab, William H. Chambers and A. Stow, of the county of Barbour, from unjust taxation;

Which was read the third time forthwith and made the special order for 10 o'clock Monday morning.

Also, favorably to the bill—

For the relief of Mrs. Annie S. Prince from unjust taxation ;

Which was read the third time forthwith and made the special order for Monday morning 10 o'clock.

Mr. Payne moved that the order of business be suspended to allow the Committee on Corporations to report a certain bill.

The motion was lost.

On motion of Mr. Moore,

The House proceeded to the consideration of Senate bills.

The Senate bills—

To authorize the Judge of Probate of Lawrence county to hold special terms of his court at the town of Courtland ;

To regulate the manner of bringing suits for the recovery of the public school fund of this State ;

For the relief of the Montgomery Female College ;

Were severally read first, second and third time, under a suspension of the constitutional rule, and passed.

The Senate bills—

To make Mrs. Elizabeth E. Hill, of Montgomery county, a free-dealer ;

To declare Finetta Nelson, wife of Benjamin F. Nelson, of Franklin county, a free-dealer ;

To make Louisa M. Turner, wife of L. M. Turner, of Bullock county, a free-dealer ;

To make Mrs. Maria Donnell, wife of J. W. S. Donnell, and Eliza G. Tucker, wife of U. B. Tucker, of Limestone county ; Mrs. Anna Lane Baker, wife of W. O. Baker, of Mobile county ; and Francis E. Perrin, wife of Edward M. Perrin, of Dallas county, free-dealers ;

Were severally read a first and second time, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

The Senate bills—

To provide for opening and building a public road in Madison county, and for the appointment of special commissioners to execute the provisions of this act ;

Prohibiting the admission of idiots and imbeciles, not insane, into the Alabama Insane Hospital ;

To provide for the support of the Alabama Insane Hospital ;

Were severally read a first time and laid on the table.

The Senate bill—

To make an appropriation to pay the funeral expenses of late Hon. J. F. Morton,

Was read a first, second and third time, under a suspension of the constitutional rule, and passed ;

Yeas 54, nays 3.

Yeas—

Messrs. Speaker, Appleton, Bassett, Benson, Box, Boyd, Bradford, Bulger, Bullock, Carlin, Carmichael, Cowan, Craig, Curtis, Davis, Gilchrist, Grayson of Clark, Grayson of Madison, Gunn, Hamilton, Haralson, Henderson, Henry, Hewitt, Hitchcock, Hodo, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Leath, Lewis, McCaskey, Marlowe, Miller, Moore, Mooring, Murrah, Payne, Perrin, Raisler, Rice, Semmes, Smitherman, Speake, St. Clair, Strauss, Strobach, Weatherford, Wells, White, Williams and Wyman—54.

Those who voted nay are—

Messrs. Semmes, Taylor of Lauderdale and Toulmin—3.

Senate bill—

To amend the last paragraph of section 750 of the Revised Code, and to repeal an act approved February 14, 1870, entitled an act to repeal so much of section 750 of the Revised Code as relates to the times of holding the courts in the 12th judicial circuit, and to fix the time of holding the circuit courts in said circuit :

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Revision of Laws.

The House proceeded to consider the following joint resolution :

Resolved by the Senate (the House of Representatives concurring), That we, the representatives of the State of Alabama, wishing to manifest our disapproval of the many crimes which have been perpetrated in the State, and wishing to see peace and good order thoroughly established throughout the entire State, do enter our solemn protest against all such outrages as murdering, shooting and whipping the citizens on account of their political opinions, and against the organization known as the "Ku-Klux Klan," and every other organization which has been the means of having people treated as above stated.

Mr. Carmichael moved to amend by striking out the word "many," at the end of the 4th line ;

Which was adopted.

Mr. Semmes moved to strike out the words, "and the organization known as the Ku-Klux Klan."

Mr. Boyd moved to amend by substitute as follows :

Resolved, That we, as representatives of the people of Alabama, are unalterably opposed to all acts of a criminal character, by whomsoever perpetrated, and that we are decidedly in favor of maintaining the public peace and promoting the public tranquillity, and securing harmony and concord throughout the State.

2d. That we are in favor of a rigid enforcement of the criminal laws, and the punishment of all persons who transgress them, irrespective of party, class, color, or previous condition ;

Which was adopted, and the joint resolution as amended was adopted.

The Senate bill—

To authorize the Mobile and Ohio railroad company to purchase the railroad constructed by the Mississippi, Gainesville and Tuskaloosa railroad company ;

Was read the first and second times forthwith, and referred to the Committee on Internal Improvements.

The Senate bill—

For the relief of the University of Alabama ;

Was read the first and second times forthwith, and referred to the committee on Internal Improvements.

The Senate joint resolutions—

In relation to the liabilities of the State on account of interest now due on any bonds on which the State is liable, either as principal or surety ;

Were read twice, and made the special order for 12 o'clock m., on Thursday next.

Mr. Ellison moved to adjourn till 1 o'clock Monday :

Which was lost.

The Senate bill—

For the partial relief of the tax-payers of Russell county ;

Was read the first and second times forthwith, and referred to the committee on Ways and Means.

The Senate bill—

To establish an election precinct at Brierfield, in the county of Bibb ;

Was read the first and second times, and its further consideration indefinitely postponed.

The Senate bill—

To enable the mayor of the city of Demopolis to open the streets of said city ;

Was read the first and second times forthwith, and referred to the Committee on Corporations.

The Senate bill—

For the relief of Mrs. Martha Burch, of Lee county, wife of A. H. Burch, and Mrs. Lavinia Logan, wife of J. H. Logan, of Bibb county ;

Was read the first and second times forthwith, and referred to the Committee on the Military.

The Senate bill—

For the relief of certain school officers ;

Was read the first time and ordered to a second reading.

On motion of Mr. Carlin.

The House adjourned till Monday morning, 10 o'clock.

MONDAY, February 20, 1871.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Kinzer, of this city.

Journal of Saturday was read and approved.

Mr. Rice, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To prevent the sale of spirituous liquors within two miles of Brewersville Academy, in Sumter county.

The special order for this hour being the bill—

For the relief of Mrs. Annie S. Prince from unjust taxation ;

It was passed, and ordered to the Senate.

The second special order being the bill—

For the relief of John C. McRae, John McNab, William H. Chambers and A. Stow, of the county of Barbour, from unjust and illegal taxation ;

On motion of Mr. Grayson of Madison,

It was laid on the table.

Mr. Bradford moved to reconsider the vote by which the House passed the bill—

For the relief of Mrs. Annie S. Prince from unjust taxation.

On motion of Mr. Clements,

The motion was laid on the table.

Mr. Boyd moved to take from the table the bill—

For the relief of John C. McRae, John McNab, William H. Chambers and A. Stow, of the county of Barbour, from unjust and illegal taxation ;

Which motion was lost.

The hour of 11 o'clock having arrived, the special order for this hour was taken up, being the bill—

For the benefit of the public schools of Marengo county.

The committee amendment was adopted.

Mr. Moore offered the following amendment :

Provided, That said poll tax shall be a credit on the amount declared due said county out of the general school fund.

On motion of Mr. Dustan,

The amendment was laid on the table.

On motion of Mr. Bulger,

The bill was laid on the table.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has originated and passed a bill—

To repeal an act to reorganize the Centerville Bridge Company.

M. P. BLUE,
Secretary of Senate.

Mr. Carmichael, by leave, offered joint resolutions—

To provide for the payment of the interest on certain bonds therein named ;

Which was read the first time.

On motion of Mr. Oates, it was made the special order for Wednesday next, the 22d instant, at 1 o'clock, and 150 copies ordered to be printed.

Message from the Governor, by Mr. Gindrat :

EXECUTIVE DEPARTMENT,
Montgomery, Feb. 20, 1871. }

Mr. Speaker :

I am directed by his Excellency the Governor, to inform

you that he has approved the following acts originating in the House of Representatives :

An act to amend an act entitled An act to establish a new charter for the city of Huntsville, approved March 3, 1870 ;

An act to repeal section 2 of an act entitled An act to register and pay the debts of Sumter county ;

An act to fix the time of holding courts in the middle chancery division ;

An act to increase and regulate the pay of jurors and witnesses in the county of Henry ;

An act to regulate the enclosure of stock in a portion of the county of Greene, therein defined ;

An act to amend an act for the relief of the solicitors of the counties of Macon, Monroe and Baldwin, approved March 3d, 1870 ;

An act for the relief of Richard H. Clark, as administrator of the estate of William A. Christian, deceased, in the county of Marengo ;

An act for the relief of Schmidt & O'Brien, for work done on the State Capitol, and to authorize the Governor to have said work on the Capitol completed ;

An act to revive an act to incorporate the town of Columbiana, in the county of Shelby ;

An act to create a new chancery district out of the county of Dale ;

An act to release the Mobile Exchange and General Insurance Company from a forfeiture of its charter.

JOHN H. GINDRAT,
Private Secretary.

On motion of Mr. Lewis, the House proceeded to the consideration of the bill—

To establish revenue laws for the State of Alabama.

On motion of Mr. Oates, the previous question was ordered.

Pending the further consideration of the bill, the hour of 12 o'clock having arrived, the special order for this hour being the bill—

For the consolidation of the Mobile and North-Western Railroad Companies of Alabama and Mississippi, and to facilitate the objects thereof ;

Which the Committee on Internal Improvements were instructed to report upon at this hour.

Mr. Carmichael, from said committee, reported favorably thereto.

Mr. Harmount moved to amend as follows :

“Provided, however, That this act shall not allow any other State aid to said Mobile and North-Western Railroad Company, than the relief from taxation herein allowed.”

On motion of Mr. Perrin, the amendment was laid on the table ;

Yeas 51, nays 36.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Bassett, Benson, Bullock, Callaway, Carmichael, Clements, Doster, Drake, Dustan, Ellison, Etheridge, Graham, Grayson of Clark, Grayson of Madison, Gunn, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Lowe, McCaskey, McDermott, Mancill, Mooring, Murrah, Oates, Perrin, Raisler, Semmes, Smith of Choctaw, Smith of Sumter, Smitherman, Steele, Strauss, Strobach, Taylor of Winston, Toomer, Ware, White and Wyman—51.

Those who voted nay are—

Messrs. Alley, Black, Boyd, Bradford, Bulger, Clark, Cochran, Craig, Curtis, Davis, Diggs, Dozier, Duskin, Gaskin, Gee, Green, Haralson, Harmount, Johnson of Dallas, King, Leath, Lewis, McCall, Marlowe, Miller, Moore, Nininger, Simms, Speake, Speed, St. Clair, Taylor of Lauderdale, Thompson, Toulmin, Weatherford and Williams—36.

The bill was read the third time forthwith.

Mr. Gaskin moved to lay the bill on the table ;

Lost.

The bill passed—yeas 61, nays 27, and was ordered to the Senate.

Those who voted yea are—

Messrs. Speaker, Bassett, Benson, Box, Boyd, Bulger, Bullock, Callaway, Carlin, Carmichael, Clements, Cowan, Crook, Doster, Drake, Duskin, Dustan, Ellison, Etheridge, Grayson of Clark, Grayson of Madison, Gunn, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Lewis, Lowe, McCaskey, McDermott, Mancill, Miller, Mooring, Murrah, Nininger, Oates, Perrin, Rice, Semmes, Simms, Smith of Choctaw, Smith of Sumter, Smith-

erman, Steele, Strauss, Strobach, Taylor of Winston, Toomer, Toulmin, Ware, Wells, White and Wyman—61.

Those who voted nay are—

Messrs. Alley, Appleton, Clark, Cochran, Craig, Curtis, Davis, Diggs, Dozier, Gaskin, Gee, Greene, Haralson, Har-
mount, Johnson of Dallas, King, Leath, McCall, Marlowe,
Speake, Speed, St. Clair, Taylor of Lauderdale, Thompson
and Williams—27.

Message from the Senate by Mr. Whiting:

Mr. Speaker :

The Senate has originated and passed bills as follows:

To provide copies of the journals of the two Houses of the
General Assembly during the present session for the State
Printer ;

For the relief of E. B. Lott, tax collector of Mobile county ;

To aid in opening and clearing out the Big Escambia Creek ;

To ratify and confirm certain proceedings therein named ;

To amend section 3748 of the Revised Code of Alabama ;

For the relief of certain parties in the county of Shelby ;

To amend section 1770 of the Revised Code of Alabama ;

To require foreign corporations doing business in this State
to file copies of their charters in the office of the judge of
probate in each county in which they do business, except in
Marengo county ;

To amend section 1759 of the Revised Code of Alabama.

The Senate has passed House bills as follows :

To authorize the courts of county commissioners to alter
or change the direction and character of macadamized turn-
pikes or plank roads ;

To repeal an act entitled an act for the enclosure of stock
in the county of Greene.

M. P. BLUE.

Secretary of Senate.

The joint resolutions—

Providing for the payment of the interest legally due by
Alabama on account of endorsement of railroad bonds ;

Were taken up.

Pending their consideration—

Mr. Smith of Choctaw moved to adjourn until half past
4 o'clock this afternoon ;

Lost.

Mr. Boyd moved to postpone the further consideration of the joint resolutions till 12 o'clock m. to-morrow ;

Lost.

On motion of Mr. Strobach—

The House adjourned till 4 o'clock this afternoon.

EVENING SESSION.

February 20th, 1871.

House met pursuant to adjournment.

Mr. Ellison moved a suspension of the regular call of committees, to allow the Committee, on Revision of the Laws, to report on the bill—

To facilitate the collection of municipal taxes and dues in the city of Mobile ;

Which motion prevailed.

Mr. Bradford, from said committee, reported favorably thereto, and the bill was read the third time forthwith and passed.

Mr. Speed was granted leave of absence one day.

By leave, Mr. Cowan introduced a bill—

To amend section 1st of an act to incorporate the Marshall and Jackson counties railroad companies, approved February 5th, 1858 ;

Which was read the first, second and third times forthwith, and passed.

On motion of Mr. Hewitt,

The regular order of business was further suspended, to allow the Committee on Education to make a report.

Mr. Wyman, from said Committee, reported favorably to the bill—

To appropriate the sum of seventy-four 84-100 dollars out of any funds in the treasury not otherwise appropriated, to pay the interest on the 16th section fund due township 15, range 2, west, in the county of Jefferson ;

Which bill was read the first, second and third times forthwith, and passed, and ordered to the Senate.

The House resumed the consideration of the bill---

To exempt certain property from levy and sale.

The question being on the adoption of the substitute offered by Mr. Hewitt, for the 3d amendment of the Committee, it was lost.

The amendments offered by the Committee, were then severally read and adopted.

Mr. Bradford moved to reconsider the vote by which the 3d amendment of the Committee was adopted ;

Which motion prevailed ;

And the vote recurring on the adoption of the amendment, It was lost.

On motion of Mr. Moore,

The 4th section of the bill was stricken out.

On motion of Mr. Strobach,

The word "one" was inserted before the word "two" in the 2d line of the sixth section.

On motion of Mr. Toomer,

The words "or attachment" were inserted after the word "execution," wherever it occurs, in the 5th section ;

The bill, as amended, was read the third time forthwith, and passed, and ordered to the Senate.

Mr. Toulmin, from the Judiciary Committee, reported favorably, with amendments, to the bill--

To protect the rights of innocent purchasers in certain cases.

Amended, by engrossed ryder, as follows :

"Section 2d. Be it further enacted, That in all suits in any of the courts of this State, by an executor, administrator, guardian or trustee, upon bonds or promissory notes, the condition of which was property sold under the order of the probate or chancery courts, the makers of such bond or note shall not be allowed to plead that such order of sale is, or was void, unless such defendant avers, and proves on the trial, that the property constituting the consideration of such bond or note has been tendered back to the vendor thereof."

The engrossed ryder was read the first, second and third times forthwith ; adopted :

And the bill, as amended, was passed, and ordered to the Senate.

Mr. Toulmin, from the same Committee, reported favorably to the Senate bill—

To authorize Mary E. Levie, widow and relict of James H. Levie, to sell and convey by deed certain lands therein named.

To authorize Amanda L. Ham, the widow and relict of Michalberry Ham, to sell and convey by deed certain lands therein named ;

Which were severally read the third time forthwith, and passed.

Also, favorably, with an amendment, to the Senate bill—
To prevent the monopoly of offices :

Amend, by striking out the words "*ad litem*," and after the word "chancery," add the words, "nor any other two civil offices."

The amendment was adopted.

Mr. Oates moved to amend, by adding the following :

"Provided, the provisions of this act shall not apply to the counties of Henry, Lee, Marshall and Marengo."

On motion of Mr. Gunn---

The bill and amendment were laid on the table.

Also, adversely to the Senate bills---

For the relief of Oscar L. Shropshire, of the county of Barbour ;

To amend an act to vest certain lands therein named, in the heirs and widow of the estate of Isaac L. Ward, deceased, late of Cherokee county.

The reports were severally concurred in.

Also, favorably to the bill---

To repeal article 5, chapter 19, of title 1, of part 3, and sub-division six, of section 2061 of the Revised Code.

Mr. Hewitt moved to strike out that portion which repeals sub-division 6, of section 2061 of the Revised Code ;

Which motion was lost ;

The bill was read the third time forthwith.

Mr. Bulger moved to make the bill the special order for 12 o'clock to-morrow ;

Lost.

Mr. Hewitt moved to adjourn till 10 o'clock to-morrow ;

Lost.

Mr. Boyd moved the indefinite postponement of the bill ;

Lost.

Mr. Hewitt moved to lay the bill on table ;

Which motion was lost ;

Yeas 23, nays 52.

Those who voted yea are—

Messrs. Speaker, Appleton, Bassett, Box, Boyd, Bradford, Dozier, Dustan, Etheridge, Gaskins, Green, Hewitt, Hodo, Holmes of Sumter, Kennedy, Miller, Rice, Simms, Smith of Sumter, Smitherman, Speake, Taylor of Winston and Wyman—23,

Those who voted nay are—

Messrs. Ashurst, Black, Bulger, Callaway, Carlin, Carmichael, Clark, Cowan, Craig, Davis, Diggs, Doster, Drake, Ellison, Gee, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Haralson, Henderson, Henry, Hitchcock, Howell, Hurt, Johnson of Dallas, King, Leath, Lewis, Lowe, McCall, McDermott, Moore, Murrah, Nininger, Oates, Payne, Perrin, Raisler, Semmes, Strobach, Thompson, Toomer, Toulmin, Ware, Weatherford, Wells, White and Williams—52.

On motion of Mr. Boyd,

The House adjourned till 10 o'clock a. m., to-morrow.

TUESDAY, February 12st, 1871.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Kinzer.

Journal of yesterday was read and approved.

Leave of absence was granted Mr. Davis for one day.

On motion of Mr. Nininger, the Senate bill,

To postpone the sale of property for taxes in Lowndes county ;

Was taken up, and read the first and second times forthwith.

On motion of Mr. Mancill,

The provisions of the bill were made applicable to the counties of Covington, Madison, Escambia, Conecuh, Coffee and Wilcox.

On motion of Mr. Rice,

The following amendment was adopted :

“Provided, the sureties on the bond of the tax collectors of said counties file in the office of the probate judge, their assent to said postponement.”

Mr. Lewis moved to amend, by striking out the names of the counties therein mentioned, and the word “county,” and inserting in lieu thereof the words “this State ;”

Also, amend the caption, by striking out the words “Lowndes county,” and inserting “this State.”

The amendment was adopted, the bill read the third time forthwith and passed.

The Senate bills—

To repeal an act to re-organize the Centerville Bridge Company ;

For the relief of certain parties in the county of Shelby ;

To amend section 1770 of the Revised Code ;

To amend section 1759 of the Revised Code ;

For the protection of the fire companies in the city of Mobile ;

To prohibit the sale of, or otherwise dealing in spirituous, vinous or malt liquors, within one mile of the Masonic Lodge building in Aberfoil, in the county of Bullock ;

For the relief of E. B. Lott, tax collector of Mobile county ;

To aid in opening and cleaning out the Big Escambia Creek ;

Were severally read the first, second and third times forthwith and passed.

The Senate amendments to the House bills—

To prohibit the sale of spirituous, vinous or malt liquors within one mile and a half of Franconia Male Academy, in Pickens county ;

To incorporate the town of LaFayette, in the county of Chambers ;

To confer certain powers upon the mayor, aldermen and common council of the city of Mobile ;

To relieve Robert R. Varner of the disabilities of non-age ;

To amend section one of an act to establish public pounds in the county of Montgomery, approved March 3d, 1870 ;

To prevent prize fighting in the State ;

Were concurred in.

Mr. Strobach, from the special committee, composed of representatives from Montgomery and Elmore counties, reported favorably to the bills—

To amend an act to incorporate the Montgomery and Pickett Springs Gravel Road Company ;

To amend an act to incorporate the Montgomery and Pickett Springs Gravel Road Company ;

Which were severally read the third time forthwith and passed.

The Senate bill—

For the relief of certain school officers ;

Was read the second and third times forthwith and passed.

The Senate bill—

To amend sections 3749 of the Revised Code ;

Was read the first and second times forthwith.

On motion of Mr. Payne, the bill was amended, by striking

out the words "three house-holders," in the 9th line of the bill, and inserting the words "three free-holders ;"

The bill was read the third time forthwith and passed,

The Senate bill—

To ratify and confirm certain proceedings therein named ;

Was read the first and second times forthwith, and referred to the Committee on Internal Improvements.

The Senate bill—

To provide copies of the journals of the two Houses of the General Assembly during the present session, for the State Printer ;

Was read the first and second times forthwith, and referred to the Committee on Fees and Salaries.

The Senate bill—

To require foreign corporations doing business in this State to file copies of their charters in the office of the judge of probate in each county in which they do business, except in Marengo county ;

Was read the first and second times forthwith.

Mr. Bulger offered to amend by adding :

" Provided said companies shall not do business in Marengo county ;"

The bill was referred to the Military Committee.

Mr. Toulmin, from the Judiciary Committee, reported favorably, with amendment, to the bill—

To supply justices of the peace and notaries public with forms of proceedings.

Pending the consideration of the amendment, the hour of 12 o'clock having arrived—

On motion of Mr. Strobach, the general orders were suspended to dispose of the bill under consideration.

The committee amendment, which reads as follows, was adopted :

Amend by striking out the 1st section, and inserting the following :

"Section 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the Secretary of State to procure and furnish to each judge of probate in this State, twenty copies of the Alabama Compendium of Forms, published by Messrs. Gibson & Storrs, to be equitably distributed among the justices of the peace in their respective counties ; Provided, The same can be procured at a cost of not exceeding two dollars per copy ; and upon the certificate of the

Secretary of State, of the price and number of copies actually delivered to him, the Auditor shall draw his warrant upon the Treasurer for the amount, to be paid out of any money in the Treasury not otherwise appropriated."

Mr. Boyd moved to amend by striking out "two dollars," and inserting "one dollar ;"

Which was lost.

Mr. Boyd moved to strike out "two dollars," and insert "five dollars ;"

Which was laid on the table.

The bill was read the third time and passed.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has originated and passed bills as follows :

To repeal section 17 of the election law, approved October 8th, 1868 ;

To amend section 105 of the Revised Code of Alabama ;

To amend the charter of the Centerville Bridge company ;

To provide for working the public roads of Montgomery county ;

Also—

A joint memorial of the General Assembly of Alabama to the Congress of the United States.

The Senate has originated and passed bills as follows, and ordered the same to the House without engrossment ;

To consolidate the fire and forfeiture fund of Dallas and Madison counties with the general fund of said counties ;

To amend and ratify the charter of the Central Agricultural and Mechanical Association at Selma, Alabama ;

To amend section 1317 of the Revised Code of Alabama.

The Senate has passed a House bill—

For the relief of Mrs. Anne S. Prince from unjust taxation.

M. P. BLUE,
Secretary of Senate.

Mr. Rice, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To repeal an act to regulate the enclosure of stock in the county of Greene ;

To authorize the courts of county commissioners to alter

or change the direction and character of macadamized, turn-pike or plank roads.

Mr. Lewis, from the Committee on Corporations, reported favorably to the bills—

To incorporate the town of Allenton, Wilcox county ;

To incorporate the town of Gadsden, Etowah county ;

Which were severally read the third time forthwith and passed.

Mr. Oates, from the Committee on Ways and Means, reported a substitute for the bill—

To amend section one of an act supplementary to an act to establish revenue laws for the State of Alabama, passed by the House of Representatives Dec. 22, 1868, and by the Senate Dec. 26, 1868.

The substitute was adopted ;

The bill was read the third time forthwith and passed.

The House proceeded to the consideration of the joint resolutions—

Providing for the payment of the interest legally due by Alabama on account of indorsement of railroad bonds.

On motion of Mr. Hewitt,

The substitute offered by Mr. Lewis was laid on the table ;
Yeas 59, nays 33.

Those who voted yea are—

Messrs. Speaker, Alley, Bassett, Benson, Black, Box, Bradford, Bullock, Carlin, Carmichael, Clark, Clements, Cochran, Craig, Curtis, Davis, Diggs, Doster, Dozier, Drake, Duskin, Dustan, Ellison, Gaskin, Gee, Grayson of Clarke, Grayson of Madison, Green, Haralson, Harmount, Henderson, Hewitt, Hitchcock, Howell, Johnson of Dallas, King, Lowe, McCall, McCaskey, McDermott, Marlowe, Murrah, Nininger, Oates, Perrin, Rice, Smitherman, Speed, St. Clair, Steele, Strauss, Strobach, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Wells, Williams and Wyman—59.

Those who voted nay are—

Messrs. Appleton, Ashurst, Boyd, Bulger, Callaway, Cowan, Crook, Etheridge, Gunn, Hamilton, Henry, Hodo, Holmes of Baldwin, Holmes of Sumter, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Miller, Moore, Mooring, Powell, Raisler, Semmes, Simms, Smith of Sumter, Speake, Toomer, Ware, Weatherford and White---33.

Mr. Hewitt offered the following as a substitute for the joint resolutions :

1st. *Be it resolved by the General Assembly of Alabama,* That the sum of ——— thousand dollars be and the same is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated, to pay the interest *now in default* on the two million of bonds issued in aid of the Alabama & Chattanooga Railroad, and such portion of the indorsed bonds of said road, not exceeding four millions, as may have been *bona fide* negotiated, according to law.

2d. *Be it further resolved,* That said funds shall at once be deposited by the Governor with a reliable financial agent, to be selected by himself, in the city of New York, expressly excluding in his selection all parties who have heretofore acted in the negotiation of said bonds; that such financial agent shall at once notify the holders of said bonds to register them with him within thirty days after such notice, and to produce proof in writing that the parties in whose names said bonds are registered are the *bona fide* holders of the same; that they obtained them previous to the 1st of January, 1871, and paid for them ninety cents or upwards on the dollar.

3d. *Be it further resolved,* That said agent shall at once furnish the Governor with a duplicate of said registration and all the testimony taken as to the ownership and negotiation of the same, upon receipt of which he is hereby instructed to direct the payment of the interest now in in default out of the funds in the hands of said agent: *Provided,* That if, in the opinion of the Governor, the proof as to the ownership and negotiation is insufficient as to said bonds, or any portion thereof, he can, by notice to said parties, require additional and satisfactory proof, within a time to be limited by him, before directing payment of the same; and provided further, that should more than two millions of the straight bonds be registered, and more than four millions of indorsed bonds be registered, as issued for the Alabama & Chattanooga Road, then the Governor shall determine, upon evidence, which bonds are entitled to receive the interest, but in no event allowing an excess of two millions of straight bonds and four millions of indorsed bonds for said road.

On motion of Mr. Toomer,

The substitute of Mr. Hewitt was laid on the table;

Yeas 71, nays 18.

Those who voted yea are—

Messrs. Speaker, Alley, Appleton, Ashurst, Black, Boyd, Bradford, Bulger, Callaway, Carlin, Carmichael, Clark, Coch-

ran, Craig, Crook, Curtis, Davis, Diggs, Doster, Drake, Dushkin, Dustan, Ellison, Etheridge, Gaskin, Gee, Grayson of Clark, Green, Hamilton, Haralson, Harmount, Henderson, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Leath, Lewis, McCall, McCaskey, McDermott, Marlowe, Moore, Mooring, Nininger, Oates, Perrin, Powell, Raiser, Rice, Semmes, Simms, Smith of Sumter, Speake, Speed, St. Clair, Steele, Strauss, Strobach, Taylor of Lauderdale, Thompson, Toomer, Ware, Weatherford, Wells and Williams—71.

Those who voted nay are—

Messrs. Bassett, Bullock, Clements, Cowan, Dozier, Grayson of Madison, Gunn, Hewitt, Hurt, Lowe, Miller, Murrah, Payne, Smitherman, Taylor of Winston, Toulmin, White and Wyman—18.

Mr. Boyd offered the following as an amendment to the joint resolutions :

Be it resolved by the General Assembly of Alabama, That, as a condition precedent to the payment of the interest on any bonds, either State or indorsed, issued in aid of railroads by the State of Alabama, the holders thereof shall register, or cause to be registered in the office of the Secretary of State, all bonds, State or indorsed, the number and amount of such bond, together with the date of issuance, and it is hereby made the duty of the Secretary of State to obtain the necessary books in which the registration herein provided shall be kept.

Be it further resolved, That the Governor of the State and Attorney General, in conjunction with James H. Clanton, E. W. Pettus and W. B. Modawell, who are hereby constituted and appointed commissioners on the part of the State of Alabama, with full power to send for persons and papers, to investigate the charges of bribery, fraud and corruption resorted to by the various railroad companies in procuring the passage of laws by the General Assembly of Alabama, whereby many millions of dollars in State and indorsed bonds were issued in aid of various railroads of this State; also, to inquire into and ascertain the amount and character of all bonds, either State or indorsed, issued by the State of Alabama, and when, to whom or what railroad company issued, how many of such bonds have been sold or hypothecated, and if sold, at what price, and to whom and when sold, and which

of such bonds constitute valid and legal claims against the State of Alabama, and report the same to this General Assembly at its next session.

Be it further resolved, That for the purpose of removing all doubts as to the honorable and upright intentions of the people of Alabama to pay every legal liability, and their determination to maintain her honor unsullied, the Governor of the State is hereby authorized and required to set apart, from any moneys in the treasury of the State not otherwise appropriated, a sufficient sum to pay the interest due, or past due, upon any bonds of the State of Alabama loaned to any railroad company, or endorsed by the State in behalf of any railroad company; and when it is ascertained, after investigation by said commissioner, that interest is due, or past due, on any of the bonds of the State, and said commissioner shall have found that such bonds constitute a legal and valid claim against the State; then it is made the duty of the Governor of the State to cause such interest to be paid out of the fund herein provided to be set apart for that purpose.

On motion of Mr. Black,

The amendment was laid on the table—yeas 46, nays 41.

Those who voted yea are—

Messrs. Alley, Benson, Black, Bullock, Carlin, Carmichael, Clark, Clements, Craig, Curtis, Davis, Diggs, Doster, Dozier, Drake, Duskin, Dustan, Gaskin, Green, Haralson, Harmount, Henderson, Hewitt, Hitchcock, Howell, Johnson of Dallas, King, McCall, McCaskey, Marlowe, Nininger, Oates, Perrin, Rice, Speed, St. Clair, Strauss, Strobach, Taylor of Winston, Thompson, Toulmin, Wells, White, Williams and Wyman—46.

Those who voted nay are—

Messrs. Speaker, Appleton, Ashurst, Bassett, Boyd, Bulger, Callaway, Cowan, Crook, Ellison, Etheridge, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henry, Hodo, Holmes of Baldwin, Holmes of Sumter, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lowe, McDermott, Mancill, Miller, Moore, Mooring, Murrah, Payne, Powell, Raisler, Semmes, Simms, Smith of Sumter, Smitherman, Speake, Steele, Taylor of Lauderdale, Toomer, Ware and Weatherford—44.

Mr. Dustan offered the following as a substitute for the joint resolutions:

Be it enacted by the General Assembly of Alabama, That the Governor be, and he is hereby authorized and empowered to effect a temporary loan, by the issue of State bonds maturing within a period not longer than two years, and bearing interest at a rate not greater than eight per centum per annum; or in any other mode he may deem better for the interest of the State, to pay the interest that has hitherto matured, and remains unpaid, upon bonds loaned or endorsed by the State in aid of the Alabama and Chattanooga railroad company, which were the property *bona fide* of holders other than said company, its directors or officers, on or before the first day of January, 1871.

On motion of Mr. Bradford,

The substitute was laid on the table—yeas 53, nays 37.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Bassett, Benson, Box, Boyd, Bradford, Bulger, Callaway, Carmichael, Clements, Cowan, Crook, Davis, Ellison, Etheridge, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henry, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Kennedy, Leath, Lewis, Lowe, Mancill, Miller, Moore, Murrah, Payne, Powell, Raisler, Semmes, Simms, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toomer, Toulmin, Ware, Weatherford, White and Wyman—53.

Those who voted nay are—

Messrs. Alley, Black, Bullock, Carlin, Clarke, Cochran, Craig, Curtis, Diggs, Doster, Dozier, Drake, Duskin, Dustan, Gaskin, Gee, Green, Haralson, Harmount, Henderson, Hewitt, Johnson of Dallas, King, McCall, McCaskey, Marlowe, Nininger, Oates, Perrin, Rice, Speed, St. Clair, Strobach, Taylor of Winston, Thompson, Wells and Williams—37.

Mr. Bulger offered the following as a substitute for the joint resolutions:

Resolved, That it shall be the duty of the Governor to appoint five commissioners, citizens of Alabama, whose duty it shall be to ascertain as soon as possible the liabilities of the State on account of the issuance of bonds, or endorsement of bonds of any railroad company whatsoever; and to make and furnish a complete record of the same to the Governor, to contain the names of the companies to which bonds were issued, the amount thereof, who are the holders thereof, who

were the holders on the 1st day of January, 1871, and the amount of interest that was at that time due thereon; and what company, if any, has made default in the payment of interest then due, and how much; said record to be filed and kept by the Governor with the records of his office.

Resolved, That said commissioners shall investigate fully all bonds that they may find so issued or indorsed by the State, and certify to the Governor the conditions thereof, and which of the same are constitutional, just, legal and equitable claims against the State of Alabama; and if any interest thereon is found to be just, due and unpaid by any railroad company, then the Governor is hereby authorized and required to pay off and discharge the amount so due, at once and without delay.

Resolved, That the Governor is hereby authorized and required to pay the same out of any moneys in the State treasury not otherwise appropriated; and in case there is not a sufficient amount of money in the State treasury to pay the same, then the Governor is authorized to raise the same by temporary loan, and is authorized and required to issue bonds for that purpose.

Resolved, That as the representatives of the people, we pledge ourselves to meet jointly all legal liabilities of the State, and to sustain unsullied the good credit of the State.

Resolved, That the sum of five thousand dollars is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, for the payment of the expenses of said commission, to be drawn on the warrant of the Governor to the Auditor from time to time, as expenses of said commission may require.

Resolved, That to enable said commission to make their investigation thorough and complete, they are hereby delegated with power to send for persons and papers.

Mr. Toomer offered the following as a substitute for the substitute just offered:

WHEREAS, It is alleged that the interest upon certain bonds loaned by the State of Alabama to the Alabama and Chattanooga Railroad Company, and upon certain bonds of said railroad company endorsed by the State of Alabama, fell due on the first day of January last, and that the said company made default in the payment of such interest; and whereas, the

honor and credit of the State of Alabama, and the interests of the people thereof, are involved in a speedy settlement of the matter of the interest upon such bonds; and whereas, the report of a special committee created by the House of Representatives of the State of Alabama, is persuasive of the idea that the amount and character of such bonds are not certainly known, there having been no record kept of the same; and whereas, it behooves the people of Alabama to be cautious in the settlement of a matter about which there is so much mystery and uncertainty; and whereas, it is meet and proper that a great State like Alabama should evidence, by every means consistent with a decent caution and proper discretion, its *bona-fide* good faith and abiding determination to pay, without unnecessary delay, all its just and legal debts; therefore, be it resolved by the House of Representatives, the Senate concurring,

Section 1. Be it enacted by the General Assembly of Alabama, That the property of the people of the State of Alabama, together with their sacred honor, is hereby pledged to the payment and faithful discharge of all the valid and legal debts and obligations of the State.

Sec. 2. Be it it further enacted, That Thomas H. Watts, James H. Clanton, W. D. Modawell, be, and they are hereby appointed and constituted commissioners upon the part of the State of Alabama, with full power to send for persons and papers, to inquire into and ascertain the amount and character of all bonds, either State or endorsed, the interest upon which is due or past due, and claimed of the State of Alabama, either as principal or endorser, and to report from time to time, as occasion may require, to the Governor of the State of Alabama which of such bonds constitute legal claims, under existing laws against the State of Alabama, and which, if any, do not.

Sec. 3. Be it further enacted, That for the purpose of convincing all men of the honorable and upright intentions of the people of Alabama, in their purpose to discharge faithfully all the legal and valid debts and obligations of the State, to maintain her credit inviolate, and to preserve her dignity and honor as a great commonwealth, unsullied and untarnished by any taint of repudiation, his Excellency Robert B. Lindsay, Governor of the State of Alabama, is hereby authorized and required, by temporary loan or otherwise, as to him shall seem best, to raise an amount of money sufficient

to pay the interest due or past due, upon any bonds of the State of Alabama loaned to the Alabama and Chattanooga Railroad Company, or endorsed by the State in behalf of said railroad company, and to place such amount of money on deposit with some reliable agent or banker in the city of New York, with instructions to pay therewith all such interest as may be declared by the commissioners aforesaid to constitute, under existing laws, a valid claim against the State of Alabama.

Sec. 4. Be it further enacted, That to the end that no innocent and *bona-fide* creditor of the State of Alabama shall suffer, the commissioners hereinbefore named are hereby instructed to discharge, as speedily as possible, the duties herein imposed upon them.

Mr. Ellison moved to postpone the further consideration of the resolutions till to-morrow 12 o'clock ;

Lost.

On motion of Mr. Hewitt,

The previous question was ordered.

Mr. Toomer moved to adjourn ;

Lost.

The resolutions were read a third time forthwith.

Mr. Dustan moved to adjourn ;

Lost.

Mr. Black moved that the House take a recess of ten minutes.

Mr. Speaker ruled the motion out of order ;

Whereupon,

Mr. Dustan took an appeal from the decision of the chair.

The ruling of the chair was sustained.

The question being on the adoption of the resolutions offered by Mr. Oates ;

They were lost ;

Yeas 22, nays 68.

Those who voted yea are—

Messrs. Benson, Bullock, Carlin, Cochran, Doster, Drake, Dustan, Duskin, Gaskin, Grayson of Madison, Henderson, Hewitt, Lowe, McCall, Marlowe, Nininger, Oates, Perrin, Rice Taylor of Winston, Wells and Williams—22.

Those who voted nay are—

Messrs. Speaker, Appleton, Ashurst, Bassett, Black, Box, Boyd, Bradford, Bulger, Callaway, Carmichael, Clark, Clements, Cowan, Craig, Crook, Curtis, Davis, Diggs, Dozier,

Ellison, Etheridge, Gee, Grayson of Clarke, Gunn, Hamilton, Haralson, Harmount, Henry, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Leath, Lewis, McCaskey, McDermott, Mancill, Miller, Moore, Mooring, Murrah, Payne, Powell, Raisler, Semmes, Simms, Smith of Sumter, Smitherman, Speake, St. Clair, Steele, Strauss, Strobach, Taylor of Lauderdale, Thompson, Toomer, Toulmin, Ware, Weatherford, White and Wyman—68.

On motion of Mr. Boyd,

The House adjourned till four o'clock this afternoon.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Gilchrist was granted indefinite leave of absence on account of sickness in his family.

On motion of Mr. Bulger,

The House resumed consideration of the bill---

To establish revenue laws for the State ;

The question being, on ordering the bill to a third reading forthwith.

Mr. Carmichael moved to lay the bill on the table ;

Lost.

The bill was read the third time forthwith, and passed.

Yeas 54, nays 30.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Bassett, Benson, Box, Bradford, Bulger, Bullock, Callaway, Carmichael, Clements, Cowan, Davis, Etheridge, Graham, Grayson of Clark, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, McCall, McDermott, Mancill, Miller, Mooring, Murrah, Nininger, Oates, Powell, Raisler, Rice, Simms, Smith of Choctaw, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toomer, Ware, White and Wyman---54.

Those who voted nay are—

Messrs. Black, Carlin, Clark, Cochran, Craig, Curtis, Diggs, Doster, Dozier, Drake, Duskin, Dustan, Ellison, Gaskin, Gee, Green, Haralson, Henderson, Johnson of Dallas, King, McCaskey, Marlowe, Payne, Smith of Sumter, St. Clair, Strobach, Thompson, Weatherford, Wells and Williams—30.

Bills were introduced by leave—

By Mr. Oates—

To regulate the practice in chancery courts on dissolving injunctions or discharging *ne exeat*s, or writs of seizure in the nature of attachments ;

To define the meaning of words and terms used in the acts of the General Assembly of Alabama, passed at the sessions of 1870-'71 ;

To create a new chancery district for the county of Clay ;

By Mr. Lewis--

For the relief of the citizens of Shelby county.

By Mr. Kennedy---

To repeal an act requiring certain duties of justices of the peace in Fayette county ;

Which bills were severally read the first, second and third times forthwith and passed.

By Mr. Oates---

To repeal an act to authorize the several counties and towns and cities of the State of Alabama, to subscribe to the capital stock of such railroads throughout the State, as they may consider most conducive to their respective interests ;

Which was read the first and second times forthwith, and referred to the Committee on Internal Improvements.

Mr. Toomer, from the special committee to whom was referred the bill—

To fix the time of holding the circuit courts in the 9th judicial circuit ;

Reported favorably thereto, and the bill was read the third time forthwith and passed.

Mr. Powell, from the Judiciary Committee, reported favorably to the bills—

To establish a criminal court for the county of Butler, with criminal and civil jurisdiction ;

To abolish the county court of Butler county ;

Which were severally read the third time forthwith and passed.

Mr. Lewis, from the Committee on Corporations, reported favorably to the bills—

To prohibit the sale of spirituous liquors in, or within three miles of Blount's mill, in Blount county ;

To prevent the sale or giving away of vinous, malt or spirituous liquors in the town of Lawrenceville, Alabama ;

To prevent the sale of spirituous liquors within three miles of Trinity church, Morgan county ;

Which were severally read the third time forthwith and passed.

Also, favorably to the bill—

To prevent the sale, making, or giving away spirituous liquors within two miles of the Chalybeate Academy.

On motion of Mr. Toomer, it was amended so as to apply to Oak Bowery church, in Chambers county ;

The bill was read the third time and passed.

Also, favorably to the bill—

To amend an act entitled an act to amend an act approved 26th January, 1868, entitled an act to incorporate the schools of Loachapoka, in Macon county, approved March 1st, 1870.

On motion of Mr. Bulger, it was made the special order for Wednesday 12 o'clock, m.

Mr. Toomer, from the special committee, to whom was referred the Senate bill—

To fix the time of holding the chancery court in the county of Bullock ;

Reported favorably thereto, which was read the third time forthwith and passed.

Mr. Clements, from the select committee, to whom was referred the petition of certain persons therein named, asking for the creation of a new county out of portions of Tuskalooosa, Jefferson, Shelby and Bibb ;

Reported adversely thereto, which was concurred in.

Mr. Clements, by leave, introduced a bill—

To prevent the selling of liquors within two miles of Kennedale Cotton Mills, in Tuskaloosa county ;

Which was read the first, second and third times forthwith and passed.

Mr. Rice, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To prohibit the sale of spirituous, vinous or malt liquors within one mile and a half of "Franconia Male Academy," in Pickens county ;

To prevent prize fighting in the State of Alabama ;

To amend section one (1) of an act to establish public pounds in the county of Montgomery, approved March 3d, 1870 ;

To relieve Robert R. Varner of the disabilities of non-age ;

To confer certain powers upon the mayor, aldermen and common council of the city of Mobile ;

To incorporate the town of LaFayette, in the county of Chambers.

Mr. Moore, from the Committee on Local Legislation, reported favorably to the bill, with amendment—

To authorize Mrs. Mary Haywood to sell certain lands belonging to the estate of her husband, Henry Haywood, deceased, in Tallapoosa county ;

Amend by adding :

“Provided, That said land shall be appraised by three disinterested persons, and approved by the probate judge of said county.”

The amendment was adopted, the bill read the third time forthwith and passed.

Also, favorably to the bill—

To repeal an act to require certain officers of Marengo county to reside at the court-house, or within one mile of the same.

On motion of Mr. Mooring, the further consideration of the bill was indefinitely postponed.

On motion of Mr. Oates—

The House then adjourned till to-morrow morning 10 o'clock.

WEDNESDAY, February 22, 1871.

House met pursuant to adjournment.

Prayer by Rev. Mr. Kinzer.

Journal of yesterday was read and approved.

On motion of Mr. Bradford,

The House adjourned till to-morrow morning, 10 o'clock, in commemoration of the birth of George Washington.

THURSDAY, February 23, 1871,

The House met pursuant to adjournment.

Prayer by Rev. Mr. Kinzer.

Journal of yesterday read and approved.

Mr. Rice, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

For the relief of Mrs. Anne S. Prince from unjust taxation.

Leave of absence was granted Messrs. King, Davis, Clark and St. Clair for one day.

Mr. Toomer, by leave, offered the following resolution :

WHEREAS, Reports of official misconduct of James Q. Smith, Judge of the 2d judicial circuit, have reached many members of this House, which reports are from such credible sources as to render an investigation proper, with a view to his removal, if guilty, and to his vindication, if innocent; therefore,

Be it resolved by the House of Representatives of the State of Alabama, That a committee of five be appointed by the Speaker of the House, a majority of whom shall constitute a quorum for the transaction of business, whose duty it shall be, after the adjournment, and before the next session of the General Assembly, to investigate the truth of such charges of misconduct in office as may be preferred against the said James Q. Smith, Judge aforesaid.

Be it further resolved, That said committee, by its acting chairman, shall have power to send for persons and papers; to administer oaths to witnesses; and to employ a clerk, who shall record all the evidence given before said committee, and serve subpoenas for witnesses to appear before said committee for examination.

Be it further resolved, That it shall be the duty of the acting chairman of said committee to give the said James Q. Smith notice of the time and place of the meetings of said committee, and to permit him to be present in person and by attorney during the examination of witnesses, and subpoena and introduce witnesses in his own behalf.

Be it further resolved, That witnesses attending before said committee shall be allowed the same fees, mileage, &c., as are allowed by law to witnesses in the circuit court of Montgomery county; the clerk of said committee shall be allowed the same pay as is allowed to the clerks of committees of this House; and the members of the committee in attendance shall be allowed their regular *per diem* as members, to be paid on the certificate of the chairman of the committee, according to law.

Be it further resolved, That said committee shall report to this House, at its next regular session, all the evidence taken by them, with such recommendations as they may deem fit.

Mr. Hamilton moved to lay the resolutions on the table.

Lost.

Mr. Lowe moved that the resolutions be referred to the Judiciary Committee, with instructions to report as soon as practicable.

Mr. Strobach moved a reference to a special committee.

Lost.

The resolutions were referred to the Judiciary Committee.

On motion of M. Grayson of Madison,

The House resumed the consideration of the railroad question; whereupon,

Mr. Steele introduced a bill—

To provide for the payment of the interest due and unpaid upon the valid claims against the State on account of the failure of the Alabama and Chattanooga railroad company to pay said interest;

Which was read the first and second times forthwith.

Mr. Doster offered the following as a substitute:

A bill providing for the payment of the interest due and unpaid upon the loan of the credit of the State to the Alabama and Chattanooga railroad company.

Mr. Lowe offered the following amendment:

In lieu of the first proviso, 1st section, insert the following: Provided said bonds appear on their face to have been issued and endorsed according to law.

On motion of Mr. Boyd,

The substitute and amendment thereto were laid on the table—yeas 50, nays 36.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Benson, Boyd, Bradford, Bulger, Bullock, Callaway, Cowan, Crook, Ellison, Etheridge, Graham, Grayson of Clarke, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Kennedy, Leath, Lewis, McDermott, Miller, Mooring, Murrah, Payne, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Landerdale, Toomer, Toulmin, Ware, Weatherford, White and Wyman—50.

Those who voted nay are—

Messrs. Black, Box, Carlin, Carmichael, Cochran, Craig, Curtis, Diggs, Doster, Dozier, Drake, Duskin, Dustan, Gaskin, Gee, Grayson of Madison, Green, Haralson, Harmount, Henderson, Johnson of Dallas, Lowe, McCall, McCaskey, Marlowe, Moore, Nininger, Oates, Perrin, Speed, St. Clair, Strobach, Taylor of Winston, Thompson, Wells and Williams—36.

Pending the consideration of the bill,

Mr. Lewis moved to reconsider the vote by which the House passed the bill—

To amend an act to incorporate the Montgomery and Pickett Springs gravel road company.

The motion prevailed, the vote by which the bill was ordered to a third reading was reconsidered, and the bill made the special order for 12 o'clock to-morrow.

Message from the Senate by Mr. Whiting.

Mr. Speaker :

The Senate has originated and passed bills as follows:

To extend the time for exemption from taxation to the Chickasabogue Manufacturing Company;

To authorize Martha A. Neal, administratrix, &c., to sell certain land at private sale;

To enable John Crow, a blind man, to peddle without license;

To amend section 689 of the Revised Code of Alabama;

To authorize manufacturers and makers to peddle the products of their making without license;

To make Mary E. Dowdy, wife of Enoch W. Dowdy, and Mrs. Hannah Spencer, wife of James Spencer, free dealers.

Respectfully,

M. P. BLUE,
Secretary of the Senate.

The question recurring on the bill to pay the interest on railroad bonds,

Mr. Dustan moved to amend by adding the following:

"Provided, No interest shall be paid on any of said bonds other than those held on the 1st day of January, 1871, by *bona fide* purchasers."

Mr. Bulger moved to lay the amendment on the table;

Lost.

Mr. Lowe moved to indefinitely postpone the amendment,

Lost.

The question being on the adoption of the amendment,

It was lost.

On motion of Mr. Carmichael,

The House took a recess for 15 minutes.

The 15 minutes having expired, the House reassembled.

The bill to pay the interest on railroad bonds, &c., being still in order,

Mr. McCaskey moved to amend by adding after the word

“State” the words “without delay;” after the word “bonds,” in the 16th line, insert the words “without delay.”

Mr. Hewitt moved to amend the amendment by inserting between the words “without” and “delay,” the word “necessary.”

On motion of Mr. Bradford,

The amendment and the amendment thereto were laid on the table ;

Yeas 47, nays 36.

Yeas—

Messrs. Speaker, Ashurst, Bassett, Benson, Box, Boyd, Bradford, Bulger, Cowan, Crook, Etheridge, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Kennedy, Leath, Lewis, McDermott, Miller, Mooring, Murrah, Payne, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Sumter, Smitherman, Steele, Taylor of Lauderdale, Toomer, Toulmin, Ware, Weatherford, White and Wyman--47.

Nays—

Messrs. Black, Bullock, Carlin, Carmichael, Craig, Curtis, Davis, Diggs, Doster, Dozier, Drake, Duskin, Dustan, Ellison, Gaskin, Gee, Green, Haralson, Harmount, Henderson, Johnson of Coosa, Johnson of Dallas, Lowe, McCall, McCaskey, Marlowe, Nininger, Oates, Perrin, Speed, St. Clair, Strobach, Taylor of Winston, Thompson, Wells and Williams---36.

Mr. McCaskey offered the following amendment :

“Provided, That it is not the intent of this bill to consume time in unnecessary investigation, and thus indirectly avoid the payment of the interest.”

On motion of Mr. Semmes,

The amendment was laid on the table ;

Yeas 56, nays 31.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Bassett, Benson, Boyd, Bradford, Bulger, Carmichael, Cochran, Cowan, Crook, Davis, Ellison, Etheridge, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, McDermott, Miller, Mooring, Murrah, Oates, Payne, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Sumter,

Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toomer, Toulmin, Ware, Weatherford, White and Wyman—56.

Those who voted nay are—

Messrs. Black, Box, Bullock, Carlin, Craig, Curtis, Diggs, Doster, Dozier, Drake, Duskin, Dustan, Gaskin, Gee, Green, Haralson, Harmount, Johnson of Dallas, Lowe, McCall, McCaskey, Marlowe, Nininger, Perrin, Speed, St. Clair, Strobach, Taylor of Winston, Thompson, Wells and Williams—31.

On motion of Mr. Bulger,

The special order for the hour, which was the joint resolution of the Senate relative to the assumption by Alabama of the payment of interest on her bonds in favor of certain railroads, was postponed till the bill before the House was disposed of;

Yeas 57, nays 31.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Bassett, Benson, Box, Boyd, Bradford, Bulger, Bullock, Callaway, Carmichael, Cowan, Crook, Davis, Doster, Duskin, Ellison, Etheridge, Graham, Grayson of Clark, Grayson of Madison, Gunn, Hamilton, Hewitt, Hitchcock, Hodo, Holmes of Balowin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lowe, McCall, McDermott, Miller, Mooring, Murrah, Oates, Payne, Powell, Raisler, Rice, Semmes, Smith of Choctaw, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toulmin, Weatherford and Wyman—57.

Those who voted nay are—

Messrs. Black, Carlin, Cochran, Craig, Curtis, Diggs, Dozier, Drake, Gaskin, Gee, Green, Haralson, Harmount, Henderson, Henry, Johnson of Dallas, McCaskey, Marlowe, Nininger, Perrin, Simms, Speed, St. Clair, Strobach, Taylor of Winston, Thompson, Toomer, Ware, Wells, White and Williams—31.

The question being on ordering the bill to a third forthwith,

The House refused to suspend by a four-fifths vote, as required by the constitution;

Yeas 69, nays 20.

Those who voted yea are---

Messrs. Speaker, Appleton, Ashurst, Bassett, Benson, Box, Boyd, Bradford, Bulger, Bullock, Callaway, Carmichael,

Cowan, Crook, Davis, Doster, Drake, Duskin, Dustan, Ellison, Etheridge, Graham, Grayson of Clark, Grayson of Madison, Gunn, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lowe, McCall, McDermott, Marlowe, Miller, Mooring, Murrah, Nininger, Oates, Payne, Powell, Raisler, Rice, Semmes, Simms, Smith of Choctaw, Smith of Sumter, Smitherman, Speake, St. Clair, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toulmin, Ware, Weatherford, Wells, White and Wyman—69.

Those who voted nay are—

Messrs. Black, Carlin, Cochran, Craig, Curtis, Diggs, Dozier, Gaskin, Gee, Green, Haralson, Harmount, Johnson of Dallas, McCaskey, Perrin, Speed, Strobach, Thompson, Toomer and Williams—20.

The bill was ordered to be engrossed and read a third time on to-morrow.

The Senate joint resolution relative to the assumption by Alabama of paying her indebtedness on account of railroad bonds, was taken up, and,

On motion of Mr. Hewitt,

It was indefinitely postponed ;

Yeas 55, nays 29.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Bassett, Benson, Boyd, Bradford, Bulger, Bullock, Callaway, Carmichael, Cowan, Crook, Davis, Ellison, Etheridge, Graham, Grayson of Clark, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, McDermott, Miller, Moore, Murrah, Oates, Powell, Raisler, Semmes, Simms, Smith of Choctaw, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toomer, Toulmin, Ware, Weatherford, White and Wyman—55.

Those who voted nay are—

Messrs. Black, Carlin, Cochran, Craig, Curtis, Diggs, Doster, Dozier, Drake, Duskin, Dustan, Gaskin, Gee, Green, Haralson, Harmount, Henderson, Johnson of Dallas, McCall, McCaskey, Marlowe, Nininger, Perrin, Speed, St. Clair, Strobach, Thompson, Wells and Williams—29.

Mr. Powell, by leave, introduced a bill—

To incorporate the town of Greenville, in Butler county ;

Which was read the first, second and third times forthwith, and passed, and ordered to the Senate.

Mr. Toomer, from the Special Committee, to whom was referred the bill—

To fix the times for holding the chancery courts in the counties of Lee, Chambers, Tallapoosa, Clay and Randolph, in the eastern chancery division of this State, reported favorably thereto.

On motion of Mr. Bulger,

The bill was recommitted, with instructions to report tomorrow, to the same committee.

Mr. Oates, by leave, introduced a bill—

For the relief of John Perry Jackson from the disabilities of non-age;

Which was read a first, second and third times forthwith, and passed.

Also, a bill—

Amendatory of the act making appropriations for the fiscal year ending September 30th, 1871, approved December 16th, 1871;

Which was read the first and second times forthwith.

On motion of Mr. Toomer,

It was amended, by adding the following :

“To E. B. Randolph, late clerk of the House Committee on Privileges and Elections, twenty-five dollars for expenses incurred by him on behalf of said Committee.”

Mr. Hewitt moved to amend, by striking out that part of the bill allowing the clerks and door-keepers pay during the recess.

Mr. Carlin moved to lay the motion on the table ;

Lost.

The amendment was adopted.

On motion of Mr. Lowe,

The bill was amended, by adding the following :

“To F. S. Ferguson, seventy-two dollars, for services as clerk of the Investigation Committee on the administration of the Educational Department.”

On motion of Mr. Carmichael,

The vote by which the House adopted the amendment relative to granting Mr. E. B. Randolph twenty-five dollars,

Was reconsidered.

Mr. Oates offered to amend by adding ;

“For necessary clerical services, and other contingent ex-

penses of the Department of Education, three thousand dollars, to be drawn on the certificate of the Superintendent of Public Instruction, approved by the Governor, from such unexpended and unappropriated balances as remain to the credit of the Department of Education."

Mr. Hewitt moved to amend, by striking out "three thousand" and inserting "fifteen hundred."

On motion of Mr. Boyd,

The bill and amendments were committed to the Committee on Ways and Means.

Mr. Smith of Sumter, offered the following resolution ;

Which was adopted :

Resolved by the General Assembly of Alabama, That we hereby express our sympathy for the recently incarcerated sons of Ireland, Messrs. O'Donovan Rossa, Burke, Mulcahey, Halpine, and their compatriots, and tender them our hearty congratulations upon their release and visit to our shores from prisons, and oppressions of British tyranny, and hereby extend to the oppressed of Ireland welcome to the Republic of the United States, and a kind invitation to Alabama."

Message from the Governør by Mr. Gindrat :

Mr. Speaker :

I am directed by the Governor to inform you that he has approved the following acts originating in the House of Representatives :

To authorize the courts of county commissioners to alter or change the direction and character of Macadamized, Turnpike or Plank Roads ;

To confer certain powers upon the mayor and aldermen, and common council of the city of Mobile ;

To incorporate the town of Lafayette, in the county Chambers ;

To repeal an act entitled an act for the enclosure of stock in the county of Greene ;

To prevent prize fighting in the State of Alabama ;

To relieve Robert R. Varner of the disabilities of non-age ;

To prevent the sale of spirituous liquors within two miles of Brewersville Academy, in Sumter county ;

For the relief of Anne S. Prince from unjust taxation ;

To amend section 1 of an act to establish public pounds in the county of Montgomery, approved March 3d, 1870 ;

To prohibit the sale of spirituous, vinous and malt liquors within one mile and a half of Francoia Male Academy, in the county of Pickens.

JOHN H. GINDRAT,
Private Secretary.

Mr. Toulmin, by leave, offered the following resolution :

Be it resolved by the House of Representatives, That the resolution fixing the 27th instant, as the day of adjournment, be, and the same is hereby rescinded.

The resolution was adopted ;

Yeas 51, nays 33.

Those who voted yea are—

Messrs. Speaker, Alley, Bassett, Black, Boyd, Bulger, Bullock, Callaway, Cochran, Cowan, Craig, Diggs, Doster, Dozier, Duskin, Dustan, Ellison, Etheridge, Gaskins, Gee, Green, Haralson, Henry, Hitchcock, Holmes of Baldwin, Hurt, Johnson of Dallas, Lewis, Lowe, McCaskey, McDermott, Marlowe, Nininger, Payne, Perrin, Powell, Rice, Semmes, Simms, Smith of Sumter, Speed, Strauss, Strobach, Thompson, Toomer, Toulmin, Ware, Wells, Williams and Wyman—51.

Those who voted nay are—

Messrs. Appleton, Ashurst, Benson, Box, Bradford, Carlin, Carmichael, Crook, Davis, Drake, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henderson, Hewitt, Hodo, Holmes of Sumter, Howell, Johnson of Coosa, Kennedy, Leath, McCall, Oates, Raisler, Smitherman, Speake, St. Clair, Steele, Taylor of Lauderdale, Taylor of Winston, Weatherford and White—33.

Leave of absence was granted Mr. Ellison for three days.

On motion of Mr. Alley—

The House adjourned until 4 o'clock this afternoon

AFTERNOON SESSION.

House met pursuant to adjournment.

On motion of Mr. Toomer—

The bill,

To amend an act entitled an act to amend an act, approved 26th January, 1868, entitled an act to incorporate the schools of Loachapoka, in Macon county, approved March 1st, 1870 ;

Was taken up, read the third time forthwith, and passed, and ordered to the Senate.

The bill, which was under consideration when the House adjourned on the 20th instant,

To repeal article 5, of chapter 19, of title 1, of part 3, and sub-division 6, of section 2061 of the Revised Code,

Was taken up, and passed.

Mr. Toulmin, from the Judiciary Committee, reported favorably to the bill—

To amend section 689 of the Revised Code.

On motion of Mr. Oates, the bill was laid on the table, and the Senate bill—

To amend section 689 of the Revised Code ;

Was taken up, read the first, second and third times forthwith and passed.

Mr. Toulmin, from same committee, reported favorably to the bills—

To confer on John P. Rather and Silas P. Rather, administrators of Edward N. Thompson, deceased, authority to compromise a suit ;

For the relief of H. Graham, late tax collector of Calhoun county ;

To repeal ordinance No. 36, adopted by the late constitutional convention ;

Which were severally read the third time forthwith and passed.

Also, favorably, with amendment, to the bill—

To protect keepers, owners and proprietors of livery stables ;

Amend section 2 by adding the words—

“And the balance, if any, to be paid to the owners of such stock.,’

The amendment was adopted, the bill read the third time forthwith and passed.

Also, reported a substitute in the form of a joint resolution for the bill—

To authorize and require the General Assembly to elect by joint vote a solicitor for each judicial circuit in the State, and to re-enact certain sections of the Revised Code therein named.

Mr. Hewitt moved to amend the substitute, by striking out “Friday the 24th,” and inserting “Saturday the 25th.”

Mr. Semmes moved to amend by striking out the words “24th of February,” and inserting “3d of March.”

Mr. Lewis moved to re-commit the bill, substitute and amendments ;

Lost.

The amendment offered by Mr. Semmes was adopted.

Mr. Carlin moved to lay the bill and substitute on the table ;

Lost.

On motion of Mr. Boyd, the vote by which the House adopted the amendment making the 3d of March the day for electing solicitors was reconsidered, and the amendment was lost.

Mr. Strobach moved to adjourn :

Lost.

Mr. Carlin moved to make the time of election the 1st of April ;

Lost.

The amendment making the 25th day of February the day of election was adopted.

Pending the further consideration of the bill, substitute and amendments,

On motion of Mr. Strobach—

The House adjourned till 10 o'clock to-morrow morning.

FRIDAY, February 24, 1871.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Kinzer.

The journal of yesterday was read and approved.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has passed the following House bills :

To prescribe and enforce the terms upon which Express Companies not incorporated by or under the laws of this State, may do business in this State.

Respectfully,

M. P. BLUE,
Secretary of Senate.

By leave, bills were introduced—

By Mr. Dustan—

For the relief of P. J. Glover, as tax collector of Marengo county ;

Which was read the first and second times forthwith, and referred to a select committee of three, consisting of Messrs. Box, Doster and Hurt.

By Mr. Henry—

For the relief of M. M. Moore of the county of Muscogee, and State of Georgia, and L. S. Hanks of the county of Clay, and State of Georgia.

By Mr. Doster—

To amend section 8 of an act entitled an act to create a new county, to be called the county of Baker.

By Mr. Semmes—

To provide for the bond of the tax collector of Mobile county.

By Mr. Hewitt—

To require certain railroad presidents or superintendents, to make and return certain statements therein named.

By Mr. Hewitt—

To prohibit the sale of vinous or spirituous liquors at or within two miles of Taylor's Chapel, in the county of Jefferson.

By Mr. Hewitt—

To prohibit the sale of spirituous, vinous, or malt liquors within three miles of Mt. Tabor Church, in Blount county.

By Mr. Smith of Choctaw—

To provide an additional term of the chancery court for the 11th district of the middle chancery division, composed of the county of St. Clair.

By Mr. Lowe—

To fix the time of holding the court of chancery for the county of Morgan.

By Mr. Marlowe—

To prohibit the sale of spirituous liquors within two miles of Town Creek Church, in Dallas county ;

Which were severally read the first, second and third times forthwith and passed.

Mr. Strobach, by leave, offered the following resolution ;

Which was adopted :

Resolved, That the Committee on Privileges and Elections be instructed to report on to-morrow, on the Russell and Barbour county contested election cases.

By Mr. Cowan, a bill—

To compel sheriffs to execute criminal process.

By Mr. Smith of Choctaw—

To authorize judges of probate court to grant bail in certain cases.

By Mr. Lowe—

Relating to grand juries in certain cases ;

Also—

To amend sections 3620, 3621, 3622, 3623, 3625 and 3626 of the Revised Code.

By Mr. Lowe—

For the relief of Sarah E. Hastings, executrix of E. M. Hastings, deceased.

By Mr. Appleton—

To authorize N. S. Davenport and David H. Spring, administrators of R. R. Davenport, and James Long, administrator of the estate of Alfred Long, to divide and make title to certain lands described in the bill ;

Which were severally read the first and second times forthwith, and referred to the Judiciary Committee.

By Mr. Smith of Choctaw—

To make Mrs. L. Johnston and Mrs. S. J. Wharton of Choctaw county, free-dealers ;

Which were severally read the first and second times forthwith, and referred to the Committee on Local Legislation.

By Mr. Lowe—

Memorial and joint resolution to the Congress of the United States, relative to the Southern Pacific Railroad.

Mr. Hewitt moved to amend by striking out "Weldon and Charlotte, N. C., Atlanta, Ga., Selma, Ala.," and inserting "Richmond and Lynchburg, Va., Knoxville and Chattanooga, Tenn., and Elyton and Mobile, Ala."

The amendment was lost, and the memorial and resolutions were referred to the Committee on Internal Improvements.

Mr. Bulger moved a suspension of business to take up the bill relative to paying the interest on railroad bonds ;

Lost.

Leave of absence was granted Mr. Grayson of Madison on account of sickness in his family.

On motion of Mr. Lowe,

Mr. Lewis, from the Committee on Corporations, reported favorably to the bill—

To amend an act to incorporate the town of Greensboro, in the county of Hale ;

Which was read the third time forthwith and passed, and ordered to the Senate.

Mr. Bulger, from the select committee of the two Houses of the General Assembly, to whom was referred the joint resolution relative to the sale of swamp lands in Alabama, reported at length, showing the illegality of the sale, and that it had never been confirmed by the Governor, and offered the following :

Joint resolutions in relation to the sale of swamp lands ;

Which were severally read the first, second and third times forthwith and passed, and ordered to the Senate.

Bills were introduced,

By Mr. Carlin—

For the relief of Mrs. P. G. Jackson, of Marengo county ;

Which was read the first, second and third times forthwith.

On motion of Mr. Cochran,

The bill was laid on the table.

By Mr. Marlowe—

For the relief of the minor heirs of William Johnson, deceased ;

Which was read the first, second and third times forthwith, and lost.

By Mr. Toulmin—

To enable the city of Mobile to aid and encourage works of internal improvements :

Which was read the first and second times forthwith, and referred to a special committee of nine, composed of Messrs. Lowe, Carmichael, Smith of Choctaw, Smith of Sumter, Wyman, Strobach, Hewitt and Bullock.

Mr. Powell, from the Committee on Eurolled Bills, reported the following as correctly enrolled :

To prescribe and enforce the terms upon which express companies not incorporated by or under the laws of this State, may do business in this State.

Mr. Toulmin, from the Judiciary Committee, reported favorably to the following bills—

To authorize and empower John Brown, probate judge of Walker county, to exercise jurisdiction over the estate of Thomas Brown, deceased ;

To authorize John Brown, probate judge of Walker county, to exercise jurisdiction over the estates of James M. Kitchen and Samuel Sparks, deceased ;

To repeal an act entitled An act to authorize the publica-

tion of the laws of the State of Alabama, approved October 10, 1868 ;

Which were severally read the third time forthwith, and passed.

Also, favorably to the bill, with amendment—

To relieve minors of the disabilities of non-age in certain cases.

Amend by striking out the 4th section ;

Which was adopted.

Pending the further consideration of the bill, the hour of 12 o'clock having arrived,

The special order was taken up, which was the bill—

To amend an act entitled An act to amend an act to incorporate the Montgomery and Pickett Springs gravel road company.

Mr. Lewis moved to amend the bill by adding the following :

Provided, That nothing herein contained shall be so construed as to prevent the establishment of a dirt road over the same route between Montgomery and Wetumpka.

The amendment was adopted, and the bill recommitted to the Committee on Corporations.

The bill—

To provide for the payment of the interest due and unpaid upon the valid claims against the State on account of the failure of the Alabama and Chattanooga railroad company to pay said interest ;

Was taken up and passed by yeas 76, nays 12, and ordered to the Senate.

Those who voted yea are—

Messrs. Speaker, Alley, Appleton, Ashurst, Bassett, Benson, Black, Box, Bradford, Bulger, Bullock, Carlin, Carmichael, Cochran, Cowan, Craig, Curtis, Davis, Diggs, Doster, Dozier, Drake, Duskin, Dustan, Gaskin, Gee, Graham, Grayson of Clarke, Grayson of Madison, Green, Hamilton, Haralson, Harmount, Henderson, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, King, Lewis, Lowe, McCall, McCaskey, McDermott, Marlowe, Miller, Mooring, Murrah, Nininger, Oates, Perrin, Rice, Semmes, Simms, Smith of Greene, Smith of Sumter, Smitherman, Speed, Steele, Strauss, Strobach, Taylor of Lauderdale, Taylor of Winston, Thompson, Toomer, Toulmin, Ware, Weatherford, Wells, White, Williams and Wyman--76,

Those who voted nay are—

Messrs. Boyd, Crook, Etheridge, Henry, Holmes of Sumter, Kennedy, Leath, Moore, Payne, Powell, Raisler and Smith of Choctaw—12.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has originated and passed a bill—

To repeal an act entitled An act to regulate the publication of legal and other notices in the State of Alabama, approved August 12, 1868, and also an act to amend an act entitled An act to regulate the publication of legal and other notices in the State of Alabama, approved October 10, 1868, so far as they relate to Butler county ;

And has ordered the same forthwith to the House without engrossment.

And also concurs in the House resolution relative to rescinding the resolution requiring the two Houses to adjourn *sine die* on the 27th instant.

M. P. BLUE,
Secretary of the Senate.

On motion of Mr. Hewitt, the Senate bill—

To repeal an act entitled An act to regulate the publication of legal and other notices in the State of Alabama, approved August 12, 1868, and also an act to amend an act entitled An act to regulate the publication of legal and other notices in the State of Alabama, approved October 10, 1868, so far as they relate to Butler county ;

Was taken up, read the first, second and third times forthwith, and passed.

Leave was granted the Judiciary Committee to sit during the session of the House this afternoon.

On motion of Mr. Howell,

Mr. Carmichael, from the Committee on Revision of the Laws, reported favorably to the Senate bill—

To amend the last paragraph of section 750 of the Revised Code, and to repeal an act approved February 14, 1870, entitled An act to repeal so much of section 750 of the Revised Code as relates to the times of holding the circuit courts in the 12th judicial circuit, and to fix the time of holding the circuit courts in said circuit.

The bill was read the third time forthwith, and passed,

The substitute reported by the Judiciary Committee for the House bill—

To authorize and require the General Assembly to elect by joint vote, a solicitor for each judicial circuit in the State, and to re-enact certain sections of the Revised Code therein named ;

Which was under consideration when the House adjourned on yesterday, was

On motion of Mr. Carmichael, laid on the table, with the amendment thereto.

Leave of absence was granted Messrs. Mooring and Callaway.

The House adjourned till 4 o'clock this afternoon.

AFTERNOON SESSION.

FEBRUARY 24, 1871.

The House met pursuant to adjournment.

Leave of absence was granted Mr. Curtis.

Mr. Moore, from the Committee on Local Legislation, reported favorably, with substitute, for the following named Senate and House bills :

The Senate bill—

For the relief of Mrs. Elizabeth E. Hill of Montgomery county ;

To declare Finetta Nelson, wife of Benj. F. Nelson of Franklin county, a free-dealer ;

To make Mrs. Maria Donnell, wife of James W. S. Donnell, Eliza G. Tucker, wife of N. B. Tucker, Mrs. Anna C. Bennett, wife of Theodore Bennett of Butler county, Mrs. Anna Jane Baker, wife of W. G. Baker of Mobile county, and Mrs. Francis E. Perrin, wife of Edward M. Perrin of Dallas county, free-dealers ;

To make Louisa M. Turner, wife of S. M. Turner of Bullock county, a free-dealer.

House bills—

To make Mrs. Elizabeth A. Freeman of Lowndes and Malinda Glass of Macon county, free-dealers ;

To make Mrs. Clara F. Newsome of Lee county, a free-dealer ;

To declare Nancy Williams, Susan E. Fielder and Lucy Mitchem, free-dealers ;

The substitute was adopted, read the third time forthwith and passed, and ordered to the Senate.

Also, favorably, with substitute, for the following House and Senate bills:

House bill—

For the relief of Elias Cohen of Perry county, of the disabilities of non-age;

For the relief of Frank White of Sumter county, of the disabilities of non-age;

For the relief of Benj. F. Calfee of Coosa county;

For the relief of W. J. Judkins of Montgomery county of non-age.

The Senate bill—

For the relief of Joseph L. Hall of Autauga county and William A. McBryde of Pike county;

The substitute was adopted, the bill read the third time forthwith and passed, and was ordered to the Senate.

Also, favorably, with amendment to the bill—

To authorize the owners of steam grist mills, and other mills, to receive one-sixth as toll as compensation in the county of Sumter;

Amend by inserting after "other mills" the words "except water mills," both in the caption and body of the bill;

The amendment was adopted, the bill read the third time forthwith and passed.

Also, favorably to the bill—

To prohibit hunting on Routon's Branch and Persimmon Creek, in Butler county;

Which was read the third time forthwith, and was lost.

Also, favorably to the bills—

To prohibit the sale of vinous or spirituous liquors within one mile of the Methodist Church in Enon, Bullock county;

For the relief of Caroline Sellick;

For the relief of Hiram Gibson of Jackson county;

For the relief of William M. Russell of Barbour county;

To authorize an election to be held in the county of DeKalb for the permanent location of the county site of said county;

Which were severally read the third time forthwith and passed.

House bills—

To repeal the preamble of an act to remove the court-house of Marengo county;

To prohibit the sale of spirituous or vinous liquors at Sandy Ridge, in Lowndes county, Alabama.

The Senate bill—

For the relief of the solicitors of the counties of Rondolph and Cleburne ;

The reports were severally concurred in.

Also, returned to the House the bill—

For the relief of R. S. Watkins of Franklin county ;

And asked its reference to the Committee on Education—

Which was granted, and the bill recommitted.

Also, returned, and asked a reference to the Committee on Ways and Means, of the bill---

For the relief of William D Gray of Colbert county ;

Which report was concurred in and the bill recommitted.

Mr. Hewitt, by leave, offered the following :

Be it resolved by the House of Representatives, (the Senate concurring), That the General Assembly adjourn on Thursday, the 2d of March next, *sine die*.

Mr. Strobach moved to lay the resolution on the table ;

Lost.

On motion of Mr. Haralson—

The further consideration of the resolution was postponed until the first day of March next.

Bills were introduced—

By Mr. Black---

To repeal an act to regulate the publication of legal and other notices in the State of Alabama, approved August 12, 1868, and also an act to amend an act to regulate the publication of legal and other notices in the State of Alabama, approved October 10th, 1868, so far as the same relates to the county of Barbour ;

To authorize the commissioners court of the county of Barbour, to pay certain fees to the sheriff of said county ;

Which were severally read the first, second and third times forthwith and passed.

By Mr. Bullock—

To protect property after it has been levied on by the sheriff, or qualified officer ;

Which were severally read the first and second times forthwith, and referred to the Committee on Revision of Laws.

Leave of absence was granted to Messrs. Powell and Har-mount for one day.

Mr. Smith of Greene, by leave, offered the following resolution :

Be it resolved by the House of Representatives, That from and after the adoption of this resolution, that no new business shall be introduced until all bills and resolutions referred to a committee have been reported back to the House, and acted upon.

On motion of Mr. Dustan, the resolution was laid on the table ;

Mr. Wyman, from the Committee on Education, reported adversely to the Senate bill—

To amend an act to establish a new charter for the city of Selma, and an act amendatory thereof ;

The House refused to concur in the report.

Mr. Bradford moved to amend as follows :

Amend section 1, by adding thereto the following words :

“To an amount not exceeding twenty thousand dollars per annum.”

Add a section to be known as “section 3d.”

On motion of Mr. Smith of Sumter, the bill and amendments were laid on the table.

The House adjourned till 10 o'clock a. m., to-morrow.

SATURDAY, February 20, 1871.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Kenzer.

Journal of yesterday was read and approved.

Leave of absence was granted Messrs. Ashurst for one day ; Doster and Simms for two days ; Bradford, three days, and to Mr. Speake indefinitely, on account of sickness.

Bills were introduced, by leave—

By Mr. Smith of Choctaw—

To repeal certain acts therein named, so far as they relate to the county of Choctaw ;

By Mr. Crook—

To authorize the commissioners court of Etowah county to issue the bonds of said county, and to levy a tax for the payment of the interest thereon, and the expense of issuing the same, and to pay the principal when due ;

Which were severally read the first, second and third times forthwith, and passed.

By Mr. Leath—

To exempt the law firm of Cooper & Reeves of Cherokee county, and Greene and Burnes of Tallapoosa county, from the operation of an act to prohibit attorneys from practicing their profession in the probate and chancery courts in certain cases, approved February 13th, 1871 ;

Which was read the first and second times forthwith.

On motion of Mr. Henry,

The bill was amended, so as to include the firm of Hooper & Waddell, of Russell county ;

The bill was referred to a Special Committee, consisting of Messrs. Leath, Lowe and Lewis.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has passed House bills as follows :

To enable the judge of probate of Mobile county, to do and perform certain acts and duties which pertain to the office of county treasurer ;

And has amended, as therein shown, and passed a House bill—

To permanently locate the county seat of Baker county ;

And has originated and passed a bill—

To appropriate six hundred dollars for the purpose of distributing the Acts of the present session of the General Assembly, and the Journals of the Senate and House of Representatives.

M. P. BLUE,
Secretary of the Senate.

On motion of Mr. Wyman,

The House reconsidered the vote by which the consideration of the resolution, relative to adjournment of the General Assembly on the 2d of March next, was postponed till the 1st of March next.

Mr. Dustan moved to amend, by inserting "sixth of March," in lieu of "2d of March."

On motion of Mr. Hewitt,

The amendment was laid on the table.

Mr. Strobach moved to lay the resolution on the table ;

Lost.

The resolution was adopted ;

Yeas 44, nays 29.

Those who voted yea are—

Messrs. Speaker, Appleton, Benson, Black, Box, Boyd, Bulger, Bullock, Carmichael, Cowan, Crook, Davis, Doster, Etheridge, Grayson of Clark, Greene, Hamilton, Henderson, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Miller, Murrah, Oates, Raisler, Rice, Smith of Choctaw, Smith of Greene, Smitherman, Steele, Taylor of Lauderdale, Taylor of Winston, Ware, Weatherford, Wells, White and Wyman—44.

Those who voted nay are—

Messrs. Bassett, Carlin, Cochran, Craig, Diggs, Dozier, Drake, Duskin, Dustan, Gee, Haralson, Henry, Johnson of Dallas, King, Lowe, McCall, McCaskey, Marlowe, Moore, Nininger, Payne, Perrin, Semmes, Strauss, Strobach, Thompson, Toomer, Toulmin, and Williams—29.

By leave, Mr. Moore introduced a bill—

To incorporate a branch charter of the Vicksburg and Brunswick Railroad company from Troy, in Pike county, via Elba and Geneva to the Florida line, in the direction of St. Andrews Bay, Florida ;

Was read the first and second times forthwith, and referred to the Committee on Internal Improvements, with instructions to report on Tuesday next.

Mr. Oates, from the Committee on Ways and Means, reported adversely to the bill—

To amend section 112 of an act “to establish revenue laws for the State of Alabama,” so far as to exempt all newspapers from payment of a license tax.

The House refused to concur in the report.

Mr. Hewitt moved to amend, by inserting “physicians.”

On motion of Mr. Strobach,

The amendment was laid on the table.

The bill was read the third time and passed ;

Yeas 34, nays 33.

Those who voted yea are—

Messrs. Bassett, Benson, Black, Carmichael, Cowan, Craig, Crook, Diggs, Duskin, Grayson of Clarke, Green, Haralson, Henry, Hodo, Holmes of Baldwin, Howell, Johnson of Coosa, Johnson of Dallas, King, Lowe, Marlowe, Miller, Moore, Nininger, Oates, Perrin, Raisler, Rice, Smith of Choctaw, Smitherman, Strauss, Ware, White and Williams—34.

Those who voted nay are—

Messrs. Speaker, Box, Boyd, Bulger, Bullock, Carlin, Doster, Dozier, Drake, Etheridge, Hamilton, Henderson, Hewitt, Hitchcock, Holmes of Sumter, Leath, Lewis, McCall, McCaskey, Murrah, Payne, Semmes, Smith of Greene, Smith of Sumter, Steele, Taylor of Lauderdale, Taylor of Winston, Thompson, Toomer, Toulmin, Weatherford, Wells, and Wyman---33.

Mr. Rice, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To enable the judge of probate of Mobile county to do and perform certain acts and duties, which pertain to the office of county treasurer.

Message from the Senate by Mr. Whiting:

Mr. Speaker :

The Senate has passed a House bill—

To provide for the payment of the interest due and unpaid upon the valid claims against the State on account of the failure of the Alabama and Chattanooga Railroad company to pay said interest.

M. P. BLUE.

Secretary of Senate.

By leave, Mr. Henderson introduced a bill—

For the relief of Peter M. Horn of Wilcox county ;

Which was read the first and second times forthwith, and referred to the Committee on Appropriations.

Mr. Smith of Sumter, from the Committee on Privileges and Elections, reported that the committee had had under consideration the election case commonly known as the Russell county election case, and instruct me to report as follows :

REPORT.

This case involved a question of privilege and not contestation ; none of the requirements of the election law, with reference to contestations having been complied with, for which cause the Committee did not take 'into consideration the claims of the persons who, by petition, addressed to the Committee, claimed the right to come before the same as contestants ; however, said persons were allowed a hearing by

said Committee. After a long and tedious investigation, running through many days, the Committee decided to reject the ballot-box returned from the Girard precinct, on account of gross fraud and non-compliance with the election laws; the evidence showing conclusively that a large number of illegal votes were polled at said precinct, many of the voters being citizens of Bullock and Lee counties, as well as others from Columbus, Georgia; that though the polls were regularly opened; yet within half an hour after said opening, two of the inspectors and the returning officer left the polls and returned no more during the day; that after the departure of the two duly appointed inspectors and the returning officer, the polls were taken charge of at different times, by three boys, the oldest being under nineteen years of age, and one man, a citizen of Columbus, Georgia, who conducted the election; one or more of the above mentioned persons acting as inspectors throughout the day. None of these persons were at any time sworn as election officers, there being no returning officer present at any time after the first half hour; that at the time the box was opened to count the ballots after the voting, no legal election officer was present, either inspector or returning officer.

After the Girard box was thrown out, there was no doubt that Mr. B. M. Henry and Mr. Horace King had received a majority of votes cast for representatives in Russell county, and both being otherwise eligible to a seat in the House, decide that Mr. B. M. Henry and Mr. Horace King, are the legally elected representatives from Russell county, and the Committee respectfully recommend that this House affirm this report.

Respectfully,
E. W. SMITH,
Chirm'n Committee.

Mr. Henderson, from the Committee, submitted the following minority

REPORT :

We, the undersigned, members of the Committee on Privileges and Elections, to whom was referred the matter of the Russell county election, being unable to agree with the majority of the committee, respectfully ask to present this as a minority report, in which will be seen their reasons for

dissenting from the report of the majority of your committee.

The return from Russell county to the Secretary of State, from the supervisors, was signed only by the probate judge of Russell county, the Hon. T. Appleby, and its face shows that was incomplete, and hence the Secretary of State never issued any certificate to any of the candidates for the Legislature, nor has this vote been counted in any election. The statement of the probate judge, made from the inspectors' returns, leaving out the two boxes from the Girard precinct, which were not opened, shows King, Republican, elected by about three hundred majority, and Henry, Democrat, by about one hundred and sixteen majority, and shows about three hundred votes for Burton "*Francis*." We do not know, but understand that there is no such man as Burton Francis in the county, at least there was no such man a candidate for the Legislature; and from all that we can learn there is but little doubt that these three hundred votes were intended to be cast for Burton Long, who was one of the Republican candidates, and who claims that he is legally elected.

In this state of the case it was referred to your committee.

The undersigned, members of your committee, insist that inasmuch as the supervisors did not supervise the vote of Russell county, that no report, in fact, a mere statement of the probate judge, showing on its face that it was incomplete, was ever made to the Secretary of State, and no certificate of election ever issued by the Secretary of State, no person has been declared elected. No one was entitled *prima facie* to a seat, hence this is not a case of contested election under the law, but a question of privilege, in which your committee should examine the facts fully at their own motion, and determine who has the majority of the legal votes polled at said election.

We are satisfied, and believe it will not be seriously controverted, and was admitted by some of the committee, that if the Girard boxes are counted, King will have over a thousand majority, and the other Republican candidate, Burton Long, from six to eight hundred majority. The majority of the committee, upon the evidence of Mr. Ware, sheriff of Russell county, determined to throw out the Girard boxes without opening them at all, and report in favor of seating Henry, one of the Democratic candidates. The testimony of Mr. Ware is substantially that he was at Girard on the day of

election; that the polls were opened by Mr. Lewis, the regularly appointed returning officer, and by Long, Whitterite and N. S. Martin, the regularly appointed judges; that Mr. Lewis' wife died, and in about half an hour after the polls were opened Mr. Lewis left, and some other person took charge of the polls; that one of the judges left soon after the polls were opened; after awhile another left, and minors acted as judges, giving some names, &c., and proves illegal votes polled, but does not state how many, or who, and that the votes were counted out by persons not sworn; that he, the sheriff, after the votes were counted, directed a Mr. Holland to take charge of one of the boxes.

We think it a very remarkable circumstance, and rather a significant fact, that the sheriff of the county, an officer whose duty it was, above all others, to secure a free, fair and honest election, and who, above all others, had the power to do it, having full power to call out the whole *posse comitatus* of the county, if need be, to enforce the election laws, an election being at the place, seeing this election conducted in the manner he testifies, he takes no steps to protect the purity of the ballot-box, or to secure the people in their right to vote, but after it is done, becomes a swift witness to prove the irregularity of this election, to defeat the voice of the people.

We think that the majority of the committee were in great error in refusing us, as they did, a continuance of this case, and to send for all the parties connected with holding the election at this precinct, by which the verity of this election might have been established.

This case was referred to the committee before the recess, and was set by it to be heard on the first day of the recess, but was not heard because of the adjournment, but was postponed until after the re-assembling of the Legislature. On the day set for trial there were several witnesses in attendance; the chairman of the committee had not arrived, and upon application of some of the witnesses, several members of the committee agreed to continue the case. When the committee next met, as agreed upon, to consider this case, there was not a quorum, and most of the witnesses had left, and the further consideration of the case was again postponed.

When the committee next met Judge Appleby was ex-

amined and the case continued until next day. At this meeting the undersigned first heard that an objection would be made to opening the Girard boxes on account of some of the inspectors being minors and not sworn, and on account of other informalities; and they learn from Burton Long, who claims to have been elected, and from his counsel, John A. Minnis, Esq., that this was the first they had heard of this objection. When on the meeting the next day, and Mr. Ware's testimony had been taken, application was made for a continuance, to give an opportunity to bring all the parties engaged as inspectors at this election. This application was refused—1st. Because it was said that Burton Long and his counsel were guilty of negligence in not having the witnesses present; 2d. Because, as the proof showed they were minors, no evidence could be adduced if they were present that would make it a legal box.

We differ entirely from a majority of the committee upon both the propositions. We cannot well see how there could be negligence in not bringing witnesses to prove the negative of a proposition, when they neither had knowledge of the proposition itself, nor of the facts upon which it was based—a proposition, too, against every presumption of law, when it was made. They had no time to bring evidence to disprove it. We hold this is not like a suit for an office, or even a contested election, when the contestant would probably be held to some diligence in getting his proof. We hold, in this case, that it was the duty of the committee, that they owed it to themselves, to your honorable body, to the county of Russell, and to the State, to investigate fully all the facts, and report in relation to this election; and hence, when in the course of the investigation, it was ascertained that there was some irregularity, and that there were witnesses in reach who could show the exact facts, it was the duty of the committee, on its own motion, to have brought before them and examined these witnesses before they made their report. We differ from the majority of the committee in their conclusion, that because (*if the fact is so*, and we have no other evidence than the "*opinion*" of the sheriff,) that men not sworn, or minors, were engaged as inspectors, therefore, the legal votes cast at this precinct should not be counted. The object of elections is to ascertain the choice of the legal voters as to who shall hold office, and when once fairly ascertained, the party so chosen is entitled to the office. All election laws

are intended to accomplish this object. When an election is held by legal and regularly sworn inspectors, their returns verify themselves, and are to be taken as *prima facie* evidence; when they are held by persons not sworn, the returns have not the same verity, but should, if called in question, be verified by the sworn testimony of the parties holding the election. This House is the judge of the qualifications, election and returns of its own members.—See Constitution of the State, Art. IV, sec. 6.

The very principles we contend for were so held by the committee and by your honorable body in a case much stronger than this, because, in that case, being the case of Davis, Democrat, contestant against Forrester, Republican, from Randolph county, the returns made according to law, showed Forrester elected. A *certificate of election was awarded and he was declared elected*, but upon an examination by the committee it was shown that two precincts were not returned according to the election law, but when counted showed that Davis was actually elected by the small majority of fourteen votes. The committee awarded the seat to Davis, and unseated Forrester, who had been legally seated upon a *prima facie* legal right. In this case no person had received a *prima facie* legal right to “the seat.” This ruling of the committee, and of the House, we think, should, as a precedent, settle this case.

Suppose, in this case, you fix the precedent that, because the election in any precinct is not held strictly according to law, therefore, the vote of the whole precinct is thrown out without even opening the boxes, because some of the judges or returning officers have not complied with the law; then, for all time to come, you place it in the power of any interested parties, whether from political or personal considerations, or for the consideration of a bribe, to defeat the will of the majority in any county in the State, and often in the whole State. To such a proposition we cannot give our consent. We believe the majority of your committee have not well considered, or they would not have rendered the judgment they have given upon this subject, and we sincerely hope that your honorable body will not make such a precedent.

The undersigned will further state that the members of the committee repeatedly admitted that the majority of the people of Russell county is Republican, and if all the votes be

counted the Republican candidate would have received a large majority, and will also say that, after we did not count the votes at all, we don't know of any vote received by Mr. Henry but his own, as he stated, and, therefore, do not know who is elected.

Then, as it is manifest that Burton Long did receive a majority of the legal votes of Russell county—that he is the man the legal voters of Russell county have said shall represent them, we recommend the passage of the following resolution :

Resolved by the House of Representatives of the Alabama Legislature, That Burton Long having received a majority of the legal votes for Representative in the representative branch of the Alabama Legislature, in the election held in Alabama on the 8th of November last, that he be seated as a member of this House, with all the rights and privileges pertaining to the same.

The undersigned submit the above view of the case, with the accompanying resolution, with the utmost confidence in the truth of their positions and justice and right of the resolution. But if your honorable body should differ from them and hold with the committee that the Girard boxes should be thrown out without being opened, which we believe will be great injustice to the people of Russell county, and especially to Burton Long, who has unquestionably received a decided majority of the legal votes of the county, and whatever irregularities may have occurred at Girard, it was by no fault or neglect of theirs, and for which it is most unjust to thus, or in any way, hold them responsible.

The registration books on file in the office of the Secretary of State, and which were before your committee, show more than one thousand and seventy registered voters in this precinct, besides the additional voters that have been registered since the closing of the registration for the prior election, and the voters that may have been registered on the day of election. Then Henry's reported majority of one hundred and sixteen over Long, with eleven or twelve hundred at least in the Girard precinct, deprived of their right to vote by throwing out this entire precinct, without any fault on the part of the voters, we need not argue, shows no legal election was held in the county upon this theory, and, therefore, by this theory, should be set aside and a new election ordered.

We understand it to be a universal rule that where, in any county, district or State, an election is held, and a portion of

the people are deprived of their right to vote without fault on their part, and the people so deprived number enough, if they all voted one way, to overcome the majority, the election will be set aside, because the only way to ascertain any man's vote is to ascertain how he did vote, and inasmuch as he had no opportunity to vote, it cannot be told how his vote would have been cast, and hence there is no election.

We insist that the Girard boxes should be counted ; but if they are not, then there has been no election in Russell county, because it is manifest if all the votes in the Girard precinct had been counted one way, and against Mr. Henry, he would have been defeated ; and without counting this box, we cannot *tell* how they voted, although it is known that these boxes contain at least one thousand majority for Long. Yet this cannot be acted on unless we take those boxes into account. When that is done it is manifest, and we believe will not be seriously controverted, that Long is elected by a decided majority. We cannot believe, under the circumstances, that the House of Representatives will approve the majority report and seat Mr. Henry.

All of which we most respectfully submit.

WM. HENDERSON,
PAUL STROBACH.

Mr. Green moved to adjourn ;

Lost.

Mr. Marlowe moved to make the reports the special order for Monday 12 o'clock, m., and have the same printed.

On motion of Mr. Leath, the motion was laid on the table.

Mr. Thompson moved to postpone until Tuesday next, and have the report printed ;

Lost.

The majority report was adopted.

Yeas 50, nays 15.

Those who voted yea are—

Messrs. Speaker, Appleton, Bassett, Boyd, Bulger, Bullock, Carmichael, Cochran, Cowan, Craig, Crook, Davis, Duskin, Etheridge, Grayson of Clark, Green, Hamilton, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lowe, McDermott, Marlowe, Miller, Moore, Murrah, Payne, Perrin, Raiser, Rice, Semmes, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Steele, Taylor of Lauderdale, Taylor

of Winston, Toomer, Toulmin, Ware, Weatherford and White—50.

Those who voted nay are—

Messrs. Carlin, Diggs, Dozier, Drake, Dustan, Gee, Haralson, Henderson, Johnson of Dallas, McCaskey, Nininger, Strobach, Thompson, Wells and Williams—15.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has amended, as therein shown, and passed the House bill—

To prescribe the mode of taking private property for railroad or other purposes, or for public use.

The Senate has originated and passed the following entitled bills, and ordered the same to the House without being engrossed :

To provide for the payment of fees due from the State of Alabama, to the Register and Receiver of the United States Land Office at Mobile, Alabama ;

For the relief of P. J. Anderson, Register, and Wm. H. Dingley, Receiver of United States Land Office, Montgomery, Alabama.

M. P. BLUE,
Secretary of Senate.

Mr. Smith of Sumter, from the Committee on Privileges and Elections, reported that the committee had found no evidence to sustain the charge of ineligibility against Thos. H. Diggs, a sitting member of this House, from the county of Barbour, and asked that Mr. Diggs be allowed to retain his seat ;

The report was concurred in.

Mr. Leath, from the select committee, to whom was referred the bill—

To exempt the law firms of Cooper & Reeves of Cherokee, and Gunn & Burns of Tallapoosa, from the operations of an act to prohibit attorneys from practicing their profession in the probate and chancery courts in certain cases ;

Reported favorably thereto.

On motion of Mr. Bulger, it was amended by adding the firm of "Phelan & Harris of Lawrence county."

The bill was read the third time forthwith and lost,

The bill---

To relieve minors of the disability of non-age in certain cases---

Which was under consideration when the hour of twelve o'clock arrived on yesterday---

Was read the third time and lost.

On motion of Mr. Doster, the Senate amendments to the House bill---

To permanently locate the county seat of Baker county ;
Were concurred in.

Mr. Bulger, from the Committee on the Judiciary, reported favorably to the bills---

For the relief of the estate of Wm. T. Upshaw, deceased ;
To regulate sheriff's sales in Hale county ;

Which were severally read the third time forthwith and passed.

Also, favorably, with amendments, to the bill---

To amend section 2961 of the Revised Code of Alabama ;

Amend section 1st, by adding in the 23d line, between the words "made" and "to," the words "in stock, money, provisions or family implements." Amend same section, by adding between the words "land" and "for," in the 25th line, the words "and the gathering of the crop."

Add "section 2. Beit further enacted, That section 2961 of the Revised Code as it originally stood, be, and the same is hereby repealed."

The House refused to adopt the amendments.

The bill was read the third time forthwith and passed.

Mr. Rice, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To provide for the payment of the interest due and unpaid upon the valid claims against the State, on account of the failure of the Alabama and Chattanooga Railroad Company to pay said interest.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has passed the House bill---

To authorize the Governor to receive the land scrip granted to this State by the act of Congress, approved July 2d, 1862, entitled an act donating public lands to the several States and Territories which may provide colleges for the

benefit of agriculture and the mechanic arts, and by the acts supplementary thereto, and to provide for the sale of said land scrip, and for the secure investment of the proceeds of such sale.

And has originated and passed a bill---

To expedite the construction of the Tennessee and Coosa Railroad.

M. P. BLUE,
Secretary of Senate.

The House adjourned till 4 o'clock this afternoon.

EVENING SESSION.

February 25th, 1871.

House met pursuant to adjournment.

The Speaker being absent---

On motion of Mr. Moore---

Mr. Bulger was chosen Speaker *pro tem*.

Mr. Moore, from the Committee on Ways and Means, reported favorably to the Senate bill---

For the relief of the tax collector of Coffee county ;

Which was read the third time forthwith and passed.

On motion of Mr. Rice, the Senate bill---

To expedite the construction of the Tennessee and Coosa Railroad ;

Was taken up, read the first and second times forthwith, and referred to the Committee on Internal Improvements, with instructions to report on Tuesday next.

Mr. Box, from the select committee, to which was referred the bill---

For the relief of P. J. Glover, as tax collector of Marengo county ;

Reported favorably thereto, which was read the third time forthwith and passed.

Message from the Governor, by Mr. Gindrat :

Mr. Speaker :

I am directed by his Excellency the Governor, to inform you that he has approved the following act originating in the House of Representatives ;

To provide for the payment of the interest due and unpaid upon the valid claims against the State, on account of the failure of the Alabama and Chattanooga Railroad company to pay said interest.

Respectfully,

JOHN H. GINDRAT,
Private Secretary.

On motion of Mr. Murrah,

The regular order of business was suspended, to allow the Committee on Corporations to complete their reports.

Mr. Lewis, from said Committee, reported favorably to the bill—

To authorize the mayor and council of the city of Selma, to provide for the bonded and other debts of said city.

Mr. Johnson of Coosa, moved to lay the bill on the table ;
Which motion was lost.

The bill was read the third time and passed.

Also, favorably to the bills—

In relation to the Bienvill Water-Works Company of the city and crunty of Mobile ;

To amend the charter of the Washington Fire and Marine Insurance Company of Mobile ;

To prohibit the sale of spirituous or vinous liquors, within one mile and a fourth of the town of Porterville, DeKalb county ;

To amend an act to incorporate the Red Mountain Iron and Coal Company ;

To amend an act to incorporate the Cahaba Coal Company ;

To prohibit the sale, making or giving away of spirituous, vinous or malt liquors within one mile of the school house, located at Walnut Grove in Etowah county ;

To extend the powers of the Fire Department Association of Mobile ;

Which bills were severally read the third time forthwith, and passed.

Also, favorably, with amendment to the bill—

To amend the 14th section of the charter of the Selma and Gulf Railroad company.

Amend, by adding at the end of the last section, the words “provided, that nothing in this act shall have the effect or so be construed, as to authorize the said Selma and Gulf Railroad company, to claim or receive any endorsement of its bonds by the State, under any existing law on account of any

portion of its railroad, which may be constructed northward or on the northern side of the Alabama river, as authorized by this act."

Mr. Cochran moved to lay the amendment on the table ;

Lost.

Yeas 9, nays 48.

Those who voted yea are---

Messrs. Carlin, Craig, Diggs, Dozier, Hewitt, King, Rice, Thompson and Williams—9.

Those who voted nay are—

Messrs. Appleton, Bassett, Black, Box, Boyd, Bulger, Bullock, Carmichael, Cochran, Cowan, Crook, Davis, Duskin, Dustan, Etheridge, Gee, Grayson of Clark, Hamilton, Haralson, Henry, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, Leath, Lewis, Marlowe, Miller, Moore, Murrah, Nininger, Payne, Raisler, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Taylor of Winston, Toulmin, Ware, Weatherford, White and Wyman—48.

Mr. Dustan moved for a call of the House ;

Which motion was lost.

Mr. Black moved to adjourn.

Mr. Dustan called for the yeas and nays.

The Speaker decided that the call for the yeas and nays was not sustained.

Mr. Dustan took an appeal from the decision of the Speaker.

The ruling of the chair was sustained, and the motion to adjourn was lost.

The amendment was adopted ;

The bill was read the third time and passed.

Also, favorably to the bill—

To amend and ratify the charter of the Central Agricultural and Mechanical Association at Selma, Alabama ;

The bill was laid on the table.

On motion of Mr. Marlowe,

The Senate bill of the same title was taken up,

Read the first, second and third times forthwith and passed.

Mr. Dustan moved a suspension of the reports of the Committee on Corporations, to take from the table a certain bill, with regard to the schools of Marengo county ;

The motion was lost.

Mr. Lewis, from the same Committee, reported substitutes for the bills—

To incorporate the trustees of the Male and Female Seminary at Mount Sterling, Alabama ;

To repeal an act incorporating the town of Newbern, in Greene county, approved December 14th, 1859.

Which substitutes were severally adopted ;

The bills read the third time forthwith, and passed.

On motion of Mr. Haralson,

The House adjourned till 10 o'clock Monday morning.

MONDAY, February 27, 1871.

House met pursuant to adjournment.

Prayer by Rev. Mr. Appleton.

Journal of Monday read and approved.

To provide for the payment of the interest due and unpaid upon the valid claims against the State on account of the failure of the Alabama and Chattanooga Railroad company to pay said interest ;

Which was read the first, second and third times forthwith, and passed.

Mr. Bulger, from the Judiciary Committee, reported favorably to the bills—

To amend section one of an act to empower the Governor to appoint notaries public ;

To amend section 1860 of the Revised Code of Alabama ;

To amend section 2376 of the Revised Code of Alabama ;

To amend section 2838 of the Revised Code of Alabama ;

To establish public holidays ;

To amend sub-division ten of section 1502 of the Revised Code ;

Which were severally read the third time forthwith, and passed.

Also, favorably, with amendments, to the bill—

To amend an act in relation to appeals from justices' courts.

Amend by striking out all after the word "provided," in next to last line on 1st page, and inserting the words, "that this act shall not apply to suits of unlawful detainer and forcible entry and detainer."

The amendment was adopted ;

The bill was read the third time forthwith and passed.

Also, reported a substitute for the bill—

To repeal chapter 4, of title 6, of part 2, of the Revised Code.

The House refused to adopt the substitute, and,

On motion of Mr. Hewitt,

The bill was indefinitely postponed.

On motion of Mr. Hurt, the bill—

To secure medical aid for the poor of this State,

Which had been referred to the Judiciary Committee,

Was recommitted to a select committee of three, composed of Messrs. Hurt, Moore and Rice.

Mr. Rice, from the Committee on Enrolled Bills, reported the following as correctly enrolled:

To permanently locate the county seat of Baker county ;

To authorize the Governor to receive the land scrip granted to this State by the act of Congress approved July 2, 1862, entitled " An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and by the acts supplementary thereto, and to provide for the sale of said land scrip and for the secure investment of the proceeds of such sale.

Message from the Senate by Mr. Whiting.

Mr. Speaker :

The Senate has originated and passed bills as follows, and ordered the same to the House without engrossment :

For the relief of Jerry Ratlift, tax collector of Blount county ;

To define more fully the duties of clerks of all courts having criminal jurisdiction.

And has originated and passed bills as follows :

To amend the charter of the Pensacola & Louisville Railroad Company, a corporation formed under the general laws of this State ;

For the relief of the estate of John H. Murphy ;

To consolidate the fund of fines and forfeitures and general fund of the county of Limestone ;

For the relief of the minor heirs of William Johnson, deceased ;

To authorize a subscription by the State for a digest of the Alabama Reports ;

To amend the concluding paragraph of section 3 of an act

entitled an act to establish a criminal court for the county of Dallas, approved February 23, 1870 ;

To repeal an act entitled an act in relation to the protection of crops within certain limits in Dallas county, approved December 3, 1866 ;

To repeal an act declaring it a penal offense to obstruct Big Wills Creek and its tributaries, in DeKalb county ;

To amend an act entitled an act in relation to chancery courts in Alabama, approved August 20, 1868 ;

To authorize Mrs. Francis Ezell, wife of Wilkerson Ezell, deceased, late of Coffee county, to sell certain lands being and lying in said county ;

To repeal an act declaring Paint Rock Creek, in Jackson and Madison counties, a public highway or navigable stream ;

To authorize the distributees of the estate of T. M. Cowles to sell real estate at private sale ;

To amend section 9 of an act to establish a criminal court for the county of Dallas, approved February 23, 1870 ;

To amend the title of section 1 of an act to incorporate the Midway Academy, in Barbour county ;

To prohibit judges of probate and county commissioners from contracting for the erection of public buildings and bridges in their respective counties.

And has passed House bill—

To facilitate the collection of municipal taxes and dues in the city of Mobile.

Respectfully,

M. P. BLUE,
Secretary of the Senate.

Mr. Strauss, from the Committee on Ways and Means, reported favorably to the bill—

To reduce the levy of county taxes in the county of Clay.

On motion of Mr. White,

It was laid on the table.

Also, favorably to the bills—

To divide Franklin county into four commissioners districts ;

To abolish the office of tax collector of Franklin county ;

For the relief of Wm. O. Townes, of Tallapoosa county ;

Which were severally read the third time forthwith and passed.

Also, favorably to the Senate bill—

To restrict the county court commissioners of the counties of Cherokee and Calhoun in levying the county tax for said counties ;

Which was read the third time and lost.

Also, adversely to the bill—

To prohibit the sale of liquors within one mile of Springville Academy, situated in the town of Springville, in the county of St. Clair.

The report was concurred in.

Also, adversely to the bill—

For the relief of Thomas Merriwether, of the county of Montgomery.

The House refused to concur in the report ;

And the bill was read the third time forthwith and lost ;

Yeas 37, nays 25—not having passed by a two-thirds vote.

Those who voted yea are—

Messrs. Alley, Ashurst, Bassett, Carlin, Clark, Cowan, Craig, Davis, Diggs, Dozier, Drake, Dustan, Gaskin, Gee, Green, Haralson, Harmount, Henry, Holmes of Baldwin, Holmes of Sumter, Johnson of Dallas, King, Lowe, McCaskey, Payne, Smith of Sumter, Speed, St. Clair, Strauss, Strobach, Thompson, Toomer, Ware, Wells, White, Williams and Wyman—37.

Those who voted nay are—

Messrs. Speaker, Appleton, Box, Etheridge, Grayson of Clark, Hamilton, Hewitt, Hitchcock, Hodo, Howell, Hurt, Kennedy, Lewis, McCall, McDermott, Miller, Murrah, Powell, Raisler, Semmes, Smith of Greene, Smitherman, Taylor of Lauderdale, Taylor of Winston and Weatherford—25.

Mr. Strobach, by leave, introduced a bill—

For the relief of J. T. Cowley of Montgomery county ;

Which was read the first and second times forthwith.

Mr. Hewitt moved to amend by making the provisions applicable to all one-armed and one-legged men in the State.

Mr. Lowe moved to amend the amendment by adding one-eyed men.

Mr. Boyd moved to amend by substitute by striking out "Montgomery county" and inserting "State of Alabama," and making it otherwise applicable "to all permanently disable persons."

Mr. Toomer moved a reference of the bill to a special committee, with instructions to report a general bill ;

Lost.

Mr. Hewitt moved a reference of the bill and amendments to the Committee on Ways and Means ;

Lost.

On motion of Mr. Harmount,

The amendments were laid on the table,

And the bill committed to the Committee on Ways and Means.

Mr. Ashurst, from the Committee on the Penitentiary, made the following report :

*To the Senate and House of Representatives
of the State of Alabama :*

Your joint committee to which was referred that portion of the Governor's message relating to the State Penitentiary, respectfully submit the following report :

We have visited the penitentiary, and find that the workshops, hospital and the roofing of the main building are in a decaying condition, and unless the necessary repairs are made at an early day, the damage will become serious.

We find the machinery out of repair, and in a damaging condition.

There are but few convicts at the prison, not enough to keep the machinery in repair and in place, or the yards and buildings properly cleansed and cared for. The most of the convicts are being worked on the line of the South & North Alabama Railroad, and the inspectors have informed us that they are well fed and properly cared for, as will be seen by the report of the said inspectors.

We also find that about twenty-five are being worked upon plantations, and twenty at a steam mill.

Your committee find that on the 6th day of June, 1866, R. M. Patton, the then Governor of the State, leased to Thomas C. Smith and Isaac A. McMillon "the penitentiary and all the appurtenances thereto belonging, including machinery, implements and tools of every description and kind used in and about the said penitentiary, together with all the personal property belonging to and employed in and about the said penitentiary," to have and to hold said buildings, &c., for the term of six years, for and in consideration of *five dollars*. Accompanying said lease is a bond, which it would be well to have renewed or indorsed by the present claimants of the lease.

We also find that at the time the penitentiary was leased

to the above named parties *fifteen thousand dollars* was loaned them by the Governor, the interest to be paid annually, and the principal on the expiration of the lease. We find further, that the inspectors for the year 1866, viz: Thomas Williams, J. L. Pogue and C. M. Cabot, allowed *eight thousand four hundred and fifty-six 51-100 dollars* for repairs, in accordance with an act of the Legislature, approved February 19, 1867, which, Mr. Williams claims, is to be deducted from the fifteen thousand dollars on the expiration of the lease, in June, 1872, when the remainder is to be paid back to the State.

We find that there was turned over by the State to Smith and McMillon material and machinery for manufacturing purposes to the amount of nineteen thousand six hundred and sixty-eight 27-100 dollars.

Your committee further find that in the spring of 1868, Isaac A. McMillon sold his interest in the lease to William Smith; that in January, 1870, T. C. and William Smith and associates, B. Boyle, R. D. Ware, E. C. Hannon and Henry M. Caldwell, sold the lease to Samuel Tate and associates, Campbell Wallace, W. B. Greenlaw, M. B. Pritchard, J. W. Sloss and M. J. Wicks, and that in January, 1871, Samuel Tate and associates sold out the labor lease to J. F. B. Jackson, who is now working the convicts on the South & North Alabama Railroad, and claims to be Deputy Warden.

From the evidence before your committee, we are of the opinion that there is no legal lessee of the penitentiary of the State at this time, Smith and McMillon having removed from the State of Alabama.

We, therefore, recommend that action be taken, either by the executive or the legislature, to secure the buildings, property, materials, machinery, &c., and also to secure to the State the faithful compliance of the bond of Smith and McMillon, and also to secure the payment of the (\$15,000) fifteen thousand dollars loaned to the lessees by Gov. R. M. Patton.

We would further suggest to the General Assembly, that the act of working the convicts upon farms is not authorized by law, and we would suggest that it is the opinion of the committee that the whole present mode of management of the penitentiary may be, in a pecuniary point of view, beneficial to the State, but the objects of the State in creating such an institution for the punishment of crime and reforma-

tion of criminals are set at naught under the present system and management of the penitentiary.

All of which is respectfully submitted.

W. B. JONES, Ch'n Joint Com.

J. A. FARDEN,

WM. F. HURT.

B. F. BENSON, Ch'n House Com.

J. F. ASHURST,

J. L. POWELL,

JAMES CROOK,

FRANCISCO RICE.

The report was concurred in.

Mr. Toomer presented a memorial of the East Alabama Agricultural Society, on the subject of pisciculture, which was referred to a special committee of three, consisting of Messrs. Toomer, Ashurst and McCall.

Mr. Ashurst moved to have two hundred copies of the report of the Committee on the Penitentiary printed ;

Which was lost.

The House concurred in the Senate amendments to the House bill—

To provide the mode of taking private property for railroad or other purposes, or for public use.

The hour of twelve o'clock having arrived, the House proceeded to the consideration of the Senate messages :

The Senate bill—

To amend the charter of the Centerville Bridge Company ;

Was read the first and second times forthwith, and referred to the Committee on Public Roads and Highways.

The Senate bills—

To appropriate six hundred dollars for the purpose of distributing the acts of the present session of the General Assembly and the journals of the Senate and House of Representatives ;

To authorize manufacturers to peddle the products of their making without license ;

To authorize Martha A. Neal, administrator, &c., to sell certain lands at private sale ;

To authorize the distributees of the estate of T. M. Cowles to sell real estate at private sale ;

To amend the title and section one of an act to incorporate the Midway Academy in Barbour county ;

Were severally read the first, second and third times forthwith and passed.

The Senate bill—

To amend section 105 of the Revised Code of Alabama ;
Was read the first, second and third times forthwith and lost.

Message from the Governor by Mr. Gindrat :

Mr. Speaker :

I am directed by His Excellency, the Governor, to inform you that he has approved the following acts, originating in the House of Representatives :

An act to authorize the Governor to receive the land scrip granted to this State by the act of Congress, approved July 2d, 1862, entitled an act donating public lands to the several States and Territories, which may provide colleges for the benefit of agriculture and the mechanic arts, and by the acts supplementary thereto, and to provide for the sale of said land scrip, and for the secure investment of the proceeds of such sales ;

An act to enable the judge of probate of Mobile county to do and perform certain acts and duties which pertain to the office of County Treasurer ;

An act to permanently locate the county seat of Baker county.

JOHN H. GINDRAT,
Private Secretary.

Senate bill—

To repeal section 17 of the election law, approved October 8th, 1858 ;

Was read the first, second and third times forthwith.

On motion of Mr. Lewis,

The vote by which the bill was ordered to a third reading was reconsidered, and the bill was referred to the Committee on Privileges and Elections.

The Senate joint memorial,

Asking for the revival of the land grants made to the State of Alabama before the war, to aid in the construction of certain unfinished railroads in the State ;

Was read.

Mr. Semmes moved to amend, by striking out "rebellion," and inserting "late war";

Mr. Williams moved to refer the memorial to the Committee on Federal Relations ;

Lost.

On motion of Mr. Boyd,

The amendment was laid on the table,

And the memorial was adopted.

The Senate bill—

To enable John Crow, a blind man, to peddle without license ;

Was read the first and second times forthwith.

Mr. Powell moved to amend, by adding "Provided, he owns the articles proposed to be sold by him";

Adopted.

Mr. Harmount moved to amend, by making the provisions of the bill applicable to J. T. Cowley of Montgomery county ;

Adopted.

Mr. Toomer moved to amend, by making the provisions of the bill applicable to Jere A. Guy of Lee county ;

Adopted.

Mr. Leath moved to amend, by adding the following :
"Provided, such blind man employ as his clerk, salesman or driver, a one-armed or one-legged man."

Mr. Black moved to lay the amendment on the table.

The motion to lay on the table was lost, and the amendment was adopted.

Mr. Moore moved to amend, by making it apply to James Davis of Coffee ;

Adopted.

Mr. Toomer moved to amend, by inserting after the words "patent medicine," the words "or other articles ;"

Which was adopted.

On motion of Mr. Bulger,

The bill was referred to the Committee on Ways and Means, with instructions to report on Wednesday next.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has originated and passed bills as follows:

To refund certain license moneys improperly paid by William Rogers of Coosa county ;

To authorize the sale of the real estate of the minor children of Gabriel B. DuVal, deceased, and the removal of the

proceeds of such sale from this State to the State of Virginia ;

To repeal an act entitled an act to provide school buildings for the State Normal School, located in Perry county ;

To make the clerk of the circuit court of Autauga county *ex-officio* clerk of the county court.

Respectfully,

M. P. BLUE,
Secretary of the Senate.

The Senate bill—

To extend the time for exemption from taxation to the Chickasabogue Manufacturing Company ;

Was read the first, second and third times forthwith, and passed.

On motion of Mr. Hewitt,

The vote by which the bill passed was reconsidered ; also, the vote ordering it to a third reading, and the bill was referred to the Committee on Ways and Means.

The Senate bill—

To provide for working the public roads of Montgomery county ;

Was read the first and second times forthwith.

Mr. Carmichael moved to amend, by adding the following :
“Provided, that said court shall have power to prohibit the collection of any tolls whatever, unless such courts shall be satisfied that such roads are kept in good travelling condition.”

The bill and amendment were referred to the Committee on Public Roads and Highways.

The Senate bill—

To make Mary E. Dowdy, wife of Enoch W. Dowdy, and Mrs. Hannah Spencer, wife of James Spencer, free-dealers ;

Was read the first and second times forthwith.

Mr. Hewitt moved to lay the bill on the table ;

Lost.

The bill was referred to the Committee on Local Legislation.

The Senate bill—

To authorize a subscription by the State for a Digest of the State of Alabama Reports ;

Was read the first and second times forthwith.

Mr. Toomer moved to amend the caption of the bill, by making it read as follows : “An act to resolve the State of Alabama into a free publishing house” ;

On motion of Mr. Boyd,

The amendment was laid on the table.

The bill was referred to the Judiciary Committee.

The Senate bill—

To prohibit judges of probate and county commissioners from contracting for the erection of public buildings and bridges, in their respective counties ;

Was read the first and second times forthwith.

Mr. Hewitt moved to amend, by striking out all after the word “jury,” in the 8th line after the section.

The amendment was adopted, and the bill referred to the committee on Corporations.

On motion of Mr. Hewitt,

The vote by which the bill was referred to the Committee on Corporations was reconsidered, and the bill was read a third time forthwith and passed.

On motion of Mr. Toomer—

The House adjourned until 4 o'clock this afternoon

AFTERNOON SESSION.

House met pursuant to adjournment.

On motion of Mr. Smith of Sumter,

The Senate bills—

To relieve P. J. Anderson, register, and William H. Dingley, receiver of U. S. Land Office, Montgomery, Alabama ;

To provide for the payment of fees due from the State of Alabama to register and receiver of U. S. Land Office at Mobile, Alabama ;

Were severally read the first and second times forthwith, and referred to a Select Committee composed of Messrs. Smith of Sumter, Howell, Leath, Harmount, and White.

Mr. Smith of Choctaw, from the Committee on Ways and Means, reported favorably to the bill, with amendment—

“Supplementary to the act to make appropriations for the fiscal year ending September 30th, 1871, approved December 16th, 1870”;

Amend first section by filling blanks as follows :

“For necessary clerical services, and other contingent expenses of the Department of Education, three thousand dollars, to be drawn on the certificate of the Superintendent of Public Instruction, approved by the Governor, from such unexpended and unappropriated balances as remain to the credit of the educational fund.”

The amendment was adopted ;

Yeas 32, nays 22.

Those who voted yea are—

Messrs. Speaker, Bassett, Bullock, Clark, Cowan, Davis, Diggs, Etheridge, Graham, Grayson of Clark, Hodo, Hurt, Kennedy, King, Lewis, Lowe, McDermott, Marlowe, Miller, Murrah, Powell, Rice, Semmes, Smith of Choctaw, Smith of Greene, Smith of Sumter, Speed, Steele, Strauss, Toulmin, Williams and Wyman—32.

Those who voted nay are—

Messrs. Alley, Appleton, Ashurst, Carlin, Dozier, Drake, Haralson, Hewitt, Hitchcock, Holmes of Sumter, Howell, Johnson of Coosa, Johnson of Dallas, Leath, McCall, Nininger, Payne, Perrin, St. Clair, Taylor of Lauderdale, Ware and Wells—22.

Amend section 2 by a substitute ;

The amendment was adopted.

Also, amend by additional section 3 ;

The amendment was adopted ;

Yeas 33, nays 30.

Those who voted yea are—

Messrs. Black, Boyd, Carlin, Clark, Cochran, Diggs, Drake, Gaskin, Green, Haralson, Hodo, Holmes of Sumter, Johnson of Dallas, King, Lewis, Lowe, Marlowe, Miller, Murrah, Nininger, Perrin, Powell, Semmes, Simms, Smith of Choctaw, Smith of Greene, Smith of Sumter, Speed, St. Clair, Steele, Strauss, Thompson, Wells and Williams—33.

Those who voted nay are—

Messrs. Speaker, Alley, Appleton, Ashurst, Bassett, Benson, Bulger, Bullock, Carmichael, Cowan, Dozier, Etheridge, Graham, Grayson of Clarke, Hamilton, Hewitt, Hitchcock, Howell, Hurt, Leath, McCall, McDermott, Payne, Rice, Taylor of Lauderdale, Toulmin, Ware, Weatherford, White and Wyman—30.

Also, amended by additional section, as section 4 ;

Which was adopted.

The bill was read the third time forthwith and passed, and ordered to the Senate.

Mr. Smith of Choctaw, from same committee, reported favorably to the Senate bill—

To extend the time for exemption from taxation to the Chickasabogue Manufacturing Company,

On motion of Mr. Boyd,

It was amended by striking out "three years" and inserting "one year."

The bill was read the third time forthwith and passed.

Mr. Strauss, from the same committee, reported favorably to the bill—

To prohibit the sale of spirituous liquors, in less quantities than one gallon, within one mile of Branchville, in St. Clair county ;

Which was read the third time forthwith and passed.

Also, adversely to the bill—

To authorize the redemption of land sold for taxes and purchased by the State.

The House refused to concur in the report.

On motion of Mr. McCall, the 1st section was amended by adding thereto the following :

Provided, That in all cases where the Auditor of the State has transferred any certificate of purchase, the provisions of this act shall not apply.

The bill was read the third time forthwith and passed.

Mr. Lewis, from the Committee on Corporations, reported favorably to the bill—

To prohibit fishing in the Coosa river or its tributaries with nets or seines ;

Which was read the third time forthwith and lost.

On motion of Mr. Appleton,

The vote by which the bill was lost was reconsidered, and the bill was passed.

Also, favorably to the bills—

To define the corporate boundaries of the town of Livingston, in Sumter county ;

To incorporate the town of Pine Apple, in Wilcox county ;

To amend an act to prohibit the sale of spirituous liquors within five miles of Harmony church, in Shelby county ;

To amend an act to incorporate the Montgomery Water-Works company, of the city of Montgomery ;

To prevent the sale of spirituous liquors within one mile of Salem Methodist church and Good Hope Baptist church, near the county line between Covington and Crenshaw counties ;

To prohibit the sale of spirituous liquors within two miles of Brandon Station, on the Alabama and Chattanooga railroad ;

To carry into effect section 5 of article 13 of the Constitution of Alabama, and provide modes of procedure of the same ;

Which were severally read the third time forthwith and passed.

Also, favorably, with amendment to the bill—

To amend an act entitled An act to amend an act to incorporate the Montgomery and Pickett Springs gravel road company.

Amend by striking out the following words in the first proviso :

“Public or toll road shall be established within two miles of said road, nor shall any ;”

Which was adopted.

The bill was read the third time forthwith and passed.

Also, favorably, with substitute, to the bill—

For the relief of David H. Williams, of Sumter county.

The substitute was adopted, read the third time forthwith and passed.

Also, adversely to the bill—

To incorporate the trustees of the presbytery of South Alabama.

The report was concurred in.

Mr. Black moved a reconsideration of the vote concurring in the adverse report.

Lost.

Mr. Wyman, from the Committee on Education, reported favorably, with amendments, to the bill—

Making an appropriation in aid of the Medical College of Alabama.

In section 1, insert after the words “ten thousand dollars,” the words, “or so much thereof as may be necessary, in the judgment of the trustees of the said College, for actual repairs.”

Add to section 1 the words, “and an account of all expenditures under the provisions of this act, together with the vouchers sustaining the items of the same, shall be rendered to the Auditor of Public Accounts; said account to be published by him in his next annual report.”

The amendments were adopted.

The bill was read the third time forthwith and lost—yeas 26, nays 35.

Those who voted yea are—

Messrs. Appleton, Bassett, Black, Carlin, Cochran, Grayson of Clarke, Haralson, Johnson of Dallas, Kennedy, Lewis, McDermott, Marlowe, Moore, Murrah, Nininger, Perrin,

Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Strauss, Toulmin, Wells, White, Williams and Wyman—26.

Those who voted nay are—

Messrs. Speaker, Alley, Ashurst, Benson, Boyd, Bulger, Clark, Cowan, Craig, Davis, Diggs, Dozier, Etheridge, Gas-kin, Gee, Graham, Hamilton, Hewitt, Hitchcock, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, King, Leath, Mc-Call, Payne, Rice, Speed, St. Clair, Steele, Taylor of Lauderdale, Thompson, Ware and Weatherford.—35.

Also, favorably to the bills—

For the relief of R. S. Watkins, of Franklin county ;

To authorize the Governor to issue a patent to D. D. Gibson and J. N. Bibb, administrators of the estate of James N. Freeman, deceased ;

To relieve George O. Logan, of Lowndes county, of the disabilities of non-age ;

Which were severally read the third time forthwith and passed.

Also, a substitute for the bill—

For the relief of the lessees of the University lands, their heirs and assigns.

Mr. Toomer moved to recommit the bill to Committee on the State Capitol.

Lost.

The substitute was adopted, the bill read the third time forthwith, and passed.

Mr. Alley moved to adjourn till 10 o'clock to-morrow ;

Lost.

Also, reported a substitute for the Senate bill—

To establish an Agricultural College for the State of Alabama.

On motion of Mr. Wyman,

The bill and substitute were made the special order for 12 o'clock.

On motion of Mr. Toomer,

The House then adjourned till to-morrow morning 10 o'clock.

TUESDAY, February 28, 1871.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Payne.

The journal of Monday was read and approved.

By leave, bills were introduced by

Mr. Smith of Sumter—

To make Mary R. Gowdey of Sumter county, a free-dealer.

Mr. Dozier—

To incorporate Uniontown, in Perry county.

Mr. Strobach—

To amend the charter and change the name of the Montgomery Mechanics Association;

Which were read the first, second and third times forthwith, and passed, and ordered to the Senate.

Mr. Bulger, by leave, offered the following resolution :

WHEREAS, A mistake or error did occur in the engrossing of a House bill in relation to the investigation and payment of interest on railroad bonds ; and whereas, it is due to this House to know how this mistake or error occurred, and to enable the officers of this House to exculpate themselves from any censure, if innocent of any wrong, and to show how such error occurred :

Be it resolved, That a committee of three be appointed by the Speaker, to report to this House the facts connected with the same, together with appropriate resolutions, and said committee shall have power to send for persons and papers ;

The resolution was adopted ;

Yeas 44, nays 17.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Bassett, Benson, Black, Boyd, Bulger, Cochran, Cowan, Davis, Etheridge, Gee, Graham, Grayson of Clarke, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Leath, Lewis, McCaskey, McDermott, Miller, Murrah, Payne, Raisler, Semmes, Smith of Sumter, Steele, Strauss, Taylor of Lauderdale, Toomer, Toulmin, Ware, Weatherford, Williams and Wyman--44.

Those who voted nay are—

Messrs. Bullock, Craig, Dozier, Dustan, Ellison, Gaskin, Haralson, Lowe, McCall, Marlowe, Powell, Rice, Smith of Greene, Speed, Strobach, Thompson and Wells---17.

Leave of absence was granted Mr. White for four days.

Message from the Senate, by Mr. Whiting :

Mr. Speaker :

The Senate has passed the House bill :

For the relief of the tax collector of Marengo county.

And has amended, as therein shown, and passed the House bill :

To supply justices of the peace and notaries public with forms of proceedings.

Respectfully,

M. P. BLUE,
Secretary of Senate.

On motion of Mr. Semmes, the vote by which the bill was lost—

Making an appropriation in aid of the Medical College of Alabama ;

Was reconsidered, and the question recurring on its passage, it was lost, two-thirds not voting for the bill ;

Yeas 44, nays 27.

Those who voted yea are—

Messrs. Appleton, Bassett, Benson, Black, Bullock, Callaway, Carlin, Cochran, Duskin, Dustan, Ellison, Etheridge, Gee, Graham, Grayson of Clarke, Haralson, Henry, Hodo, Holmes of Baldwin, Johnson of Dallas, Kennedy, Lewis, Lowe, McCaskey, McDermott, Marlowe, Miller, Moore, Murrah, Nininger, Powell, Rice, Semmes, Smith of Choctaw, Smith of Greene, Smith of Sumter, Strauss, Strobach, Toomer, Toulmin, Weatherford, Wells, Williams and Wyman—44.

Those who voted nay are—

Messrs. Speaker, Alley, Boyd, Bulger, Clark, Craig, Davis, Diggs, Dozier, Gaskin, Green, Hamilton, Hitchcock, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Leath, McCall, Payne, Raisler, Speed, St. Clair, Steele, Taylor of Lauderdale, Thompson and Ware—27.

The hour of 12 o'clock having arrived—

The special order for this hour, which was the reported substitute of the Committee on Education for the Senate bill—

To establish an agricultural college in the State of Alabama ;

The substitute was adopted, the bill read the third time and passed.

Mr. Lowe, from the Committee on Internal Improvements, reported favorably to the Senate bill—

To expedite the construction of the Tennessee and Coosa Railroad ;

Which was read the third time forthwith.

On motion of Mr. Bulger, it was made the special order for Thursday, 12 o'clock, m.

Mr. Ashurst, from the special committee, to whom was referred the memorial relative to pisciculture, reported a bill,

To establish and encourage the cultivation of fish in this State ;

Which was read the first and second times forthwith.

Mr. Hewitt moved to fill the blank by inserting "two 50-100 dollars ;"

Lost.

Mr. Toomer moved to amend by inserting five thousand dollars ;

Lost.

Mr. Ashurst moved to amend by inserting five hundred dollars ;

Lost.

On motion of Mr. Taylor of Lauderdale,

The bill was laid on the table.

The Senate bill—

To amend the charter of the Pensacola and Louisville Railroad Company, a corporation formed under the general laws of the State ;

Was read the first and second times forthwith, and referred to the Committee on Internal Improvements.

The House proceeded to the consideration of the Senate amendment to the House bill—

To supply justices of the peace and notaries public with forms of proceedings.

Mr. Boyd moved to postpone till Thursday, 12 o'clock, m. ;

Lost.

The amendment was concurred in ;

Yeas 49, nays 18.

Those who voted yea are—

Messrs. Alley, Bassett, Benson, Black, Box, Bullock, Cal-laway, Carlin, Clark, Cochran, Craig, Davis, Diggs, Dozier, Dustan, Gaskin, Gee, Graham, Grayson of Clark, Green, Haralson, Hewitt, Hitchcock, Hodo, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, King, Lewis, Lowe, McCaskey,

Marlowe, Murrah, Nininger, Payne, Powell, Smith of Greene, Smith of Sumter, Speed, St. Clair, Strauss, Thompson, Toulmin, Wells, Williams and Wyman—49.

Those who voted nay are—

Messrs. Speaker, Appleton, Ashurst, Boyd, Bulger, Ellison, Etheridge, Hamilton, Henry, Kennedy, Leath, McCall, Raiser, Steele, Taylor of Lauderdale, Toomer, Ware, and Weatherford—18.

Mr. Bulger, by leave, offered a

Joint resolution to provide for the distribution and sale of Smith's Condensed Alabama Reports ;

Which was read the first and second times forthwith and adopted.

The Senate bill—

To amend section 9 of an act to establish a criminal court for the county of Dallas, approved February 23d, 1870 ;

Which was read the first, second and third times forthwith and lost.

Mr. Haralson moved to reconsider the vote by which the bill was lost ;

The House refused to reconsider.

Mr. Toomer, from the special committee, to whom was referred the bill—

To create the 10th chancery district of the eastern division of the State of Alabama,

Reported a substitute with the following title :

To establish a chancery district for the county of Cleburne, in the eastern chancery division.

The substitute was adopted ;

The bill read the third time forthwith and passed, and was ordered to the Senate.

Mr. Lowe, from the Committee on Internal Improvements, reported adversely to the bill—

To incorporate a branch line of the Vicksburg & Brunswick Railroad Company from Troy, in Pike county, via Elba and Geneva, to the Florida State line, in the direction of St. Andrews Bay.

The report was concurred in.

On motion of Mr. Johnson of Coosa,

The House adjourned till 4 o'clock this afternoon.

AFTERNOON SESSION.

February 28, 1871.

The House met pursuant to adjournment.

Mr. Wyman, from the Committee on Education, reported favorably, with amendment, to the bill—

To provide for securing the payment of the interest on the 16th section notes.

Amend by inserting a section to be known as section 5.

The amendment was adopted ;

The bill read the third time forthwith and passed.

Also, favorably, with amendment, to the Senate bill—

For the relief of the University of Alabama.

Amend by striking out the preamble.

The amendment was adopted ;

The bill read the third time forthwith and passed.

Also, substituted the following :

The Committee on Education, to which was referred the resolution adopted by the House, instructing the said committee to examine the books and accounts of the late Superintendent of Public Instruction, and to inquire into the general management of the affairs of that office, the amounts of money received and disbursed by said officer—and to report the result of such examination to this House, beg leave respectfully to submit the following report :

Your committee found in the office of Superintendent of Public Instruction the following books and documents, which are the only official records of the affairs of that office, during the administration of the late Superintendent, that were left in the office when the present Superintendent entered upon the discharge of his duties.

1st. A tattered apportionment sheet showing the amounts from the educational fund due the several counties on balances for the years 1866 and 1867, with record in the margin showing that the certificate to the Auditor in such case had been issued.

2d. Sixty-five separate apportionment sheets, showing the amounts due the several counties from the educational fund for the year 1870

3d. An apportionment sheet showing the amounts due the

several counties from the special appropriation to pay balances due for the year 1868, with a partially filled record in margin, giving the date of issuance of the proper certificate to the Auditor.

4th. A diary, which seems to have been used as a sort of day-book, beginning March 3d, 1870, which gives day and date of the issuance of certificates to county superintendents.

5th. An unbalanced ledger of accounts with county superintendents, part of 1870, with many entries in pencil marks, and a few accounts balanced, some in pencil marks and a very few in ink.

From these imperfect and ill-arranged data, your committee made an attempt to ascertain the amounts of moneys received and paid out by the late Superintendent, but soon found the task impossible of accomplishment, and abandoned it.

Touching the general management of the affairs of the office during the administration of the late Superintendent, your committee are constrained to say that, so far as they have been able to determine from an examination of the above mentioned books and documents, the most deplorable carelessness has prevailed.

W. S. WYMAN, Chairman.

Mr. Smith of Sumter, from the Committee on Privileges and Elections, reported that—

Hon. H. Cochran, a sitting member of this House from the county of Dallas, admits that at the time of his election he held the office of tax collector of the city of Selma. The committee were of the opinion that the collectorship was a municipal office merely, and does not disqualify him from holding the office of Representative. The committee reported that they had no evidence that Mr. Cochran was Deputy Marshal of the United States at the time of his election.

The report was concurred in.

Also, adversely to the bill—

To amend an act to legalize an election held on the 4th and 5th days of January, 1868.

The report was concurred in.

Mr. Lowe, from the Committee on Internal Improvements, reported favorably to the bill—

To make the President of the Board of Trade of Mobile a member of the Board for the improvement of the river, harbor and bay of Mobile;

Which was read the third time forthwith and passed.

Also, favorably to the Senate bill—

To amend the charter of the Pensacola & Louisville Railroad Company, a corporation formed under the general laws of this State ;

To authorize the Mobile & Ohio Railroad Company to purchase the railroad constructed by the Mississippi, Gainesville & Tuskalsosa Railroad Company ;

To ratify and confirm certain proceedings therein named ;

Which were severally read the third time forthwith and passed.

Also, favorably to the bill—

To authorize the board for the improvement of the river, bay and harbor of Mobile to receive certain funds.

On motion of Mr. Bulger,

It was made the special order for 12 o'clock on Wednesday.

Mr. Boyd moved to take from the table the bill—

To establish and encourage the cultivation of fish in this State.

The motion did not prevail.

On motion of Mr. Dustan, the bill—

For the benefit of public schools in Marengo county,

Was taken up from the table and referred to the Committee on Education, with instructions to report a general bill.

Also, favorably to the bill—

To repeal an act to authorize the several counties and towns and cities of this State to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests.

Mr. Moore moved to amend by excluding Coffee county ;

Lost.

Mr. Powell moved to exclude Butler county ;

Lost.

The bill was read the third time forthwith.

Mr. Moore moved to lay the bill on the table ;

Lost.

Mr. Moore moved the indefinite postponement of the bill ;

Lost.

Mr. Powell moved to make it the special order for Friday next ;

Lost.

Mr. Moore moved to recommit the bill to a special committee.

On motion of Mr. Alley,
 The previous question was ordered;
 And the bill passed;
 Yeas 46, nays 27.

Those who voted yea are—

Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Black, Box, Boyd, Bradford, Bulger, Bullock, Clark, Cowan, Crook, Davis, Diggs, Duskin, Grayson of Clark, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, King, Leath, Lewis, Lowe, McCall, Miller, Murrah, Nininger, Payne, Raisler, Smith of Sumter, Steele, Taylor of Lauderdale, Toomer, Toulmin, Ware, Weatherford, Williams and Wyman—46.

Those who voted nay are—

Messrs. Bassett, Callaway, Carlin, Cochran, Craig, Doster, Dozier, Ellison, Etheridge, Gaskin, Gee, Green, Haralson, Holmes of Baldwin, Johnson of Dallas, Kennedy, McCaskey, McDermott, Moore, Perrin, Powell, Seimmes, Speed, St. Clair, Strauss, Thompson and Wells—27.

The bill was ordered to the Senate.

On motion of Mr. Green—

The House adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, March 1, 1871.

House met pursuant to adjournment.

Prayer by the Rev. Dr. Petrie.

The journal of yesterday was read and approved.

Mr. Hurt, from the special committee, reported favorably to the bill—

To secure medical aid for the poor of this State.

On motion of Mr. Boyd, the bill was made the special order for Saturday, March 4th, at 12 o'clock, m.

Mr. Smith, from the select committee, to whom was referred the bill—

To enable the city of Mobile to aid and encourage works of internal improvement;

Reported a substitute therefor.

Mr. Harmount moved to print 200 copies, and make it the special order for Thursday next;

Lost.

Mr. Bulger moved to make it the special order for 12 o'clock Friday ;

Lost.

Mr. Boyd moved to amend by striking out section 4.

Mr. Haralson moved to lay the amendment on the table—

Which motion prevailed ;

Yeas 45, nays 31.

Those who voted yea are—

Messrs. Bassett, Black, Bullock, Callaway, Clark, Cochran, Craig, Curtis, Diggs, Doster, Dozier, Duskin, Dustan, Ellison, Etheridge, Gaskin, Gee, Graham, Grayson of Clark, Green, Haralson, Hewitt, Holmes of Baldwin, Holmes of Sumter, Howell, King, Leath, Lowe, McCaskey, McDermott, Nininger, Perrin, Rice, Semmes, Smith of Choctaw, Smith of Greene, Smith of Sumter, Speed, St. Clair, Strauss, Strobach, Toulmin, Wells, Williams and Wyman---45.

Those who voted nay are—

Messrs. Speaker, Alley, Appleton, Ashurst, Boyd, Bulger, Carlin, Cowan, Crook, Davis, Hamilton, Henry, Hitchcock, Hodo, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, Lewis, McCall, Marlowe, Miller, Moore, Murrah, Payne, Raiser, Steele, Taylor of Lauderdale, Thompson, Ware, and Weatherford—31.

Pending the further consideration of the bill and substitute,

The hour of 12 o'clock having arrived, the special order was taken up,

Which was the favorable report of the Committee on Internal Improvements to the bill—

To authorize the board for the improvement of the river, harbor and bay of Mobile to receive certain funds ;

The bill was read the third time forthwith and passed.

Message from the Senate by Mr. Whiting.

Mr. Speaker :

The Senate has concurred in House amendments to Senate bills as follows :

To postpone the sale of property for taxes in Lowndes county ;

To amend section 3749 of the Revised Code of Alabama ;

To prohibit judges of probate and county commissioners from contracting for the erection of public buildings and bridges in their respective counties.

And amended, as therein shown, and passed House bills as follows :

To prohibit the sale making or giving away of spirituous, vinous or malt liquors within one mile of the school house located at Walnut Grove, Etowah county ;

To incorporate the town of Dadeville, in the county of Tallapoosa.

And has passed House bills as follows :

For the relief of Ida Waddell of Tallapoosa county ;

To amend section 27 of an act to establish a new charter for the city of Talladega, and to repeal all laws in contravention thereto, approved March 1st, 1870 ;

To prevent the sale of spirituous liquors within three miles of Trinity Church, in Morgan county ;

To amend the charter and change the name of the Montgomery Mechanics Association ;

To appropriate the sum of seventy-four 94-100 dollars out of any funds in the Treasury not otherwise appropriated, to pay the interest on the 16th section fund due township 15, range 2, west, for the county of Jefferson ;

To empower Lucy Dinkins, executrix of Edward Dinkins, late of Pike county, to sell certain lands ;

To amend section 8 of an act entitled an act to create a new county, to be called the county of Baker ;

To authorize and empower John Brown, probate judge of Walker county, to exercise jurisdiction over the estate of Thomas Brown, deceased ;

To authorize the owners of steam grist mills and other grist mills, except water mills, to receive one-sixth as toll in compensation, in Sumter county, for services rendered.

M. P. BLUE,
Secretary of the Senate.

By leave, bills were introduced by

By Mr. Dustan—

For the relief of Louisiana L. Dupree ;

Which was read the first and second times forthwith, and referred to a select committee consisting of Messrs. Toomer, Carlin and Murrah.

By Mr. Boyd—

To authorize trading boats on the Tennessee river to pay the same tax as merchants pay.

By Mr. Toomer—

To relieve the tax collector of Pike county ;

Which were read the first, second and third times forthwith, and passed.

Mr. Toomer, from the select committee, reported a substitute for the bill—

To create a new chancery district, to be composed of the county of Chambers.

The substitute was adopted, the bill read the third time forthwith and passed, and ordered to the Senate.

Message from the Governor by Mr. Gindrat :

EXECUTIVE DEPARTMENT, }
Montgomery, March 1, 1871. }

To the House of Representatives :

I return without my approval, a bill which originated in your body, entitled An act to prescribe and enforce the terms upon which Express companies not incorporated by or under the laws of the State, may do business in this State.

The interposition of the veto power, I am fully sensible, should be sparingly and cautiously exercised ; yet, when the Executive discovers in a bill submitted for his approval, provisions which he believes to be in conflict with the Constitution, it becomes his solemn duty to present his objections to the legislative department.

Upon my first reading of the bill I return, I entertained instant and grave doubts of its constitutionality. Its very spirit seemed to be in antagonism with American constitutional legislation ; and the more I have examined and scrutinized its features, these doubts have become the more confirmed.

Section 15, Article 1—"That all courts shall be open ; that every person, for any injury done him in his lands, goods, person or reputation, shall have a remedy by due process of law ; and right and justice shall be administered without sale, denial, or delay."

This, it may be argued, embraces within its scope only natural persons, residing within the State, and entitled to the rights and immunities granted by its constitution. That it has a wider and more extensive signification than this, we have only to remember that section 11, Article IV, of the Constitution of the United States, guarantees that "The citi-

zens of each State shall be entitled to all the privileges and immunities of the citizens in the several States." It will not be denied that the right to institute suits in any of the courts of the State is one of the privileges contemplated by this section.

The question then occurs, do these two constitutional sections which I have cited, extend the rights therein embraced to corporations, whether domestic or foreign? I am of the opinion they do. A corporation is an artificial person created by law, and in this country, at least, composed of several individuals, to achieve some object, commercial or otherwise, by their united experience, energy, skill and capital; and when this fact is considered, and it is remembered that a corporation, domestic or foreign, has always enjoyed the right to sue in the courts of Alabama—and I believe in the courts of every other State in the Union, and certainly in those of the United States where jurisdiction attaches—I am strengthened in the opinion I have expressed.

In addition to this, the Constitution of the State of Alabama provides, by section 15, Article XIII: "All corporations shall have the right to sue, and shall be subject to be sued in all courts in like cases as natural persons." This, it may be alleged, applies only to domestic corporations. Its language, however, is general, and viewed in connection with the fact that the corporations of sister States have exercised, and do exercise, the right to sue in Alabama, the spirit of our own Legislature, its liberality and justice, are, to say the least, strongly indicated.

Now, the bill I return compels express companies not incorporated under the laws of Alabama, to pay all taxes heretofore imposed upon them, or purported to be imposed, without litigation—that is, without trying the constitutional validity of the law imposing such taxes, or instituting suit for any purpose connected therewith, in any court, State or Federal. Is this right? is it constitutional? I admit that Alabama has the right to prescribe and regulate the character of the comity by which a corporation of another State may do business within her limits; but I cannot admit that she has the right to prohibit them from the use of her courts, or the courts of the United States, to ascertain its privileges heretofore enjoyed and permitted.

The second section of the bill need only be read to discover its remarkable character. I beg leave to embody it here :

“Sec. 2. Be it further enacted, That if any express company has heretofore failed or refused to pay all or any part of the taxes which the aforementioned revenue act imposes, or purports to impose, upon express companies, their receipts, business or property, and has by instituting a suit, or otherwise hindered, delayed or obstructed the collection of said taxes, or any part thereof; and if, in opposing or resisting such obstruction, delay or hindrance, any citizen of this State, being an officer of this State, authorized to enforce or supervise the enforcement of the revenue laws of this State, has been compelled to pay any sum of money which he would not have been compelled to pay if there had never been such obstruction, delay or hindrance, then, in that case, such sum of money must be refunded to such citizen by such company, before it obtains the license required by the first (1st) section of this act; and such company must also comply in all respects with said first (1st) section. This section imposes a penalty for instituting a suit in the past, no matter for what purpose, whether to ascertain rights or to resist oppression and injustice by the intervention of the judicial tribunals of the land, before it can obtain right heretofore permitted, and to which it is entitled by laws now existing. By my Executive signature, I cannot sanction this provision.

The fourth section of the bill has, it seems to me, lurking under it, greater danger, more peril to constitutional liberty, than all the other combined. I again beg leave to cite the entire section.

Sec. 4. Be it further enacted, That any and every person who, after the passage of this act, violates any of the provisions of the same, or does anything whatever in contravention of its provisions, shall be liable to indictment therefor, and upon conviction thereof, shall be punished by fine not exceeding five thousand (5,000) dollars, and imprisoned in the penitentiary not exceeding ten (10) years, one or both, at the discretion of the jury trying the case.

Under this section, a judge is indictable were he to grant an injunction; an attorney would be indictable were he to institute a suit; a sheriff for serving a process; or a jury for rendering a verdict. This may appear strange, but when taken in connection with antecedent sections, and considering the words, that “any and every person” who does anything in contravention of its provisions, “shall be liable,” &c., its import and intent cannot be misinterpreted.

Should the Legislature concur with me in the views I have hurriedly expressed, I recommend and urge the immediate enactment of a quick and summary remedy to compel corporations of every character whatever, to yield obedience to the laws of the State.

Nearly all corporations are becoming dangerous from the power of their wealth and combination, to the political interests and liberties of the masses, and they should be vigilantly and vigorously restrained within their proper spheres, and severely held to accountability for violation of laws.

In all legislation, however, every statute should be strictly limited to the necessity which requires it.

All of which is respectfully submitted for your consideration.

Respectfully,

ROBT. B. LINDSAY.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has passed the following House bills :

For the relief of Hiram Gibson of Jackson county ;

For the relief of Caroline Sellick ;

To authorize Temperance Faircloth to sell lands belonging to James Floyd Faircloth, deceased :

To amend an act to incorporate Uniontown, in Perry county ;

To regulate the chancery courts in the fifth district of the southern chancery division of the State of Alabama ;

To regulate sheriff sales in Hale county ;

To authorize and empower John Brown, probate judge of Walker county, to exercise jurisdiction over the estates of James M. Kitchen and Samuel Sparks, deceased ;

To amend an act to regulate the finances of Coffee county ;

In relation to the Bienville Water Works Company of the city and county of Mobile ;

To declare certain persons therein named, free-dealers ;

For the relief of William T. Upshaw, deceased ;

To amend the charter of the Washington Fire and Marine Insurance Company of Mobile ;

To abolish the county court of Butler county ;

To prohibit the sale of spirituous or vinous liquors within

one and one-fourth of a mile of the town of Porterville, DeKalb county ;

To amend an act incorporating Cahaba Coal Company, approved February 23, 1865 ;

To authorize the mayor and council of the city of Selma, to provide for the bonded and other debts of said city ;

To authorize the corporate authorities of the city of Troy, to purchase real property sold for taxes, levied and assessed by said authorities, and to enforce the rights acquired by such purchase ;

To prevent assessing or collecting a special tax by the commissioners courts of Pike and Dale counties ;

To prohibit the sale of spirituous, vinous or malt liquors within three miles of Mount Tabor church, in Blount county ;

For the relief of Laura Terry of Geneva county ;

To restrict the amount which may be allowed to the county officers of Coffee county, for *ex-officio* services ;

To authorize Catherine Harper of Coffee county, to sell a certain piece of land ;

To amend an act to incorporate the Montgomery Water Works Company for the city of Montgomery ;

To provide for the bond of the tax collector of the county of Mobile ;

To amend an act entitled an act to incorporate the town of Greensboro. in the county of Hale.

To provide for an additional term of the chancery court for the eleventh district of the middle chancery division, composed of the county of St. Clair ;

To prohibit the sale of vinous or spirituous liquors, at, or within two miles of Taylor's Chapel, in the county of Jefferson ;

For the relief of M. M. Moore, of the county of Muscogee, State of Georgia, and S. T. Marks of the county of Clay, and State of Georgia ;

To amend an act to incorporate the Red Mountain Iron and Coal company ;

To amend section 4218 of the Revised Code as to Perry county ;

For the relief of Carrie J. Edwards, of Tallapoosa county ;

To prohibit the sale of spirituous or intoxicating liquors of any kind within two miles, in any direction, of the Clopton Academy, in the county of Dale ;

To establish a criminal court for the county of Butler, with criminal and civil jurisdiction ;

To amend an act entitled an act to amend an act approved 26th January, 1868, entitled an act to incorporate the schools of Loachapoka, in Macon county, approved March 1, 1870 ;

To change the line between the counties of Jefferson and Shelby ;

For the relief of H. Graham, late tax collector of Calhoun county ;

The Senate has originated and passed bills as follows, and ordered the same to the House without engrossment :

To authorize the court of county commissioners of Perry county to dispose of certain school funds in and for said county ;

To consolidate certain funds therein named in the county of Perry.

And has amended as therein shown and passed House bills as follows :

For the relief of the disabilities of non-age ;

To prohibit the sale of vinous or spirituous liquors within one mile of the Methodist Church, in Enon, Bullock county ;

To protect keepers, owners or proprietors of livery stables.

M. P. BLUE,
Secretary of Senate.

Mr. Powell, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To prescribe the mode of taking private property for railroad or other purposes or for public use ;

To amend the charter and change the name of the Montgomery Mechanics Association ;

To supply justices of the peace and notaries public with forms of proceedings ;

To facilitate the collection of municipal taxes and dues in the city of Mobile ;

For the relief of the tax collector of Marengo county.

The House concurred in the Senate amendments to the following bills—

To incorporate the town of Dadeville, in the county of Tallapoosa ;

To prohibit the sale, making or giving away of spirituous, vinous or malt liquors within one mile of the school-house located at Walnut Grove, Etowah county :

To protect keepers, owners or proprietors of livery stables ;
 To prohibit the sale of vinous or spirituous liquors within
 one mile of the Methodist Church, in Enon, Bullock county ;
 For the relief of the disabilities of non-age ;

Mr. Bullock, by leave, introduced the following resolution :

Be it resolved, That the sessions of the House, commencing
 at 4 o'clock p. m. of each day, be and the same are hereby
 discontinued.

On motion of Mr. Hewitt,

The resolution was laid on the table.

On motion of Mr. Bullock,

The resolution was taken from the table.

Mr. Hewitt moved to amend by striking out all after the
 word "resolved," and inserting the following :

"It shall be the duty of the clerk to note the absentees and
 furnish their names to the local press of their respective
 counties, for the benefit of their constituents."

Mr. Strobach offered to amend the amendment by adding,
 "and after their names are published, to post the same on the
 court-house door and at every tree in the woods in their re-
 spective counties."

On motion of Mr. Smith of Green,

The amendment and the amendment thereto were laid on
 the table.

The resolution was lost ;

Yeas 32, nays 47.

Those who voted yea are---

Messrs. Benson, Boyd, Bullock, Carlin, Cochran, Crook,
 Curtis, Davis, Dozier, Duskin, Dustan, Gaskin, Gee, Graham,
 Green, Haralson, Hodo, Johnson of Coosa, Johnson of Dallas,
 Leath, Lewis, Lowe, McCaskey, Murrah, Nininger, Perrin,
 Raisler, Rice, Smith of Choctaw, Smith of Greene, Smith of
 Sumter and Wells—32.

Those who voted nay are—

Messrs. Speaker, Alley, Appleton, Ashurst, Bassett, Black,
 Box, Bradford, Bulger, Callaway, Clark, Cowan, Craig,
 Diggs, Doster, Ellison, Etheridge, Grayson of Clarke, Ham-
 ilton, Harmount, Henry, Hewitt, Hitchcock, Holmes of Bald-
 win, Holmes of Sumter, Howell, Hurt, Kennedy, King,
 McCall, McDermott, Miller, Payne, Powell, Semmes, Speed,
 St. Clair, Steele, Strauss, Taylor of Lauderdale, Thompson,
 Toomer, Toulmin, Ware, Weatherford, Williams and Wy-
 man —47.

Mr. Boyd moved to adjourn ;
Lost.

The House proceeded to the consideration of the veto message of the Governor.

Mr. Smith of Sumter moved to postpone the further consideration of the veto message till to-morrow ;
Lost.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has instructed me to return to the House the House substitute for the Senate bill—

To establish an agricultural college for the State of Alabama,

As the Senate does not consider it competent for the House to adopt a substitute for the Senate bill.

M. P. BLUE,
Secretary of Senate.

Pending the further consideration of the veto message,
On motion of Mr. Smith of Sumter,
The House adjourned till 4 o'clock this afternoon.

AFTERNOON SESSION.

House met pursuant to adjournment.

Message from the Governor, by Mr. Gindrat :

EXECUTIVE DEPARTMENT, }
Montgomery, March 1, 1871. }

Mr. Speaker :

I am directed by his Excellency the Governor, to inform you that he has approved the following act originating in the House of Representatives :

To prescribe the mode of taking private property for railroad or other purposes, or for public use.

To facilitate the collection of municipal taxes and dues in the city of Mobile.

For the relief of the tax collector of Marengo county ;

To amend the charter and change the name of the Montgomery Mechanics Association ;

To supply justices of the peace and notaries public with forms of proceedings.

Respectfully,

JOHN H. GINDRAT,
Private Secretary.

Bills were introduced, by leave,

By Mr. Holmes of Sumter—

To amend section 11 of an act to furnish the aid an credit of the State of Alabama for the purpose of expediting the construction of railroads within the State.

By Mr. Lowe—

To protect the State in granting aid to railroads ;

Which were severally read the first and second times forthwith and referred to the Committee on Internal Improvements.

By Mr. Howell—

For the relief of Hugh Montgomery, of Cleburne county ;

Which was read the first and second times forthwith, and referred to the Committee on Local Legislation.

By Mr. Lowe—

To prescribe the terms on which married women may take appeals to the Supreme Court, and the effect of such appeals ;

Which was read the first and second times forthwith.

On motion of Mr. Smith of Choctaw, the following was added :

Provided, That no judgment or execution lien which may have attached, shall be lost by reason of any appeal under this statute.

The bill was read the third time forthwith and passed.

By Mr. Powell—

To prevent railroad companies in this State from discriminating between local and through freights ;

On motion of Mr. Bulger, the words "receiving or having received State aid under the," were struck out.

The bill was ordered to a third reading on to-morrow.

By Mr. Powell—

To authorize the Governor to issue to railroad companies bonds payable in coin.

By Mr. Bulger—

Supplemental to an act to prohibit attorneys from prac-

tising their profession in certain cases, approved February 13, 1871.

By Mr. Carlin—

To amend section 2 of an act to permanently locate the court-house of Marengo county ;

Which were severally read the first and second times forthwith, and referred to the Judiciary Committee.

On motion of Mr. Toomer, the bill—

To establish and encourage the cultivation of fish in this State,

Was taken from the table.

On motion of Mr. Toomer, the 2d section was stricken out.

On motion of Mr. Steele, the words “at their own expense,” were inserted after the word “maintain.”

The bill was read the third time forthwith.

On motion of Mr. Strobach, the vote by which the bill was ordered to a third reading was reconsidered.

Mr. Powell moved to amend by adding the following :

Provided, That no eels, gars, cat-fish or mud-turtles go into such pond.

On motion of Mr. Dustan,

The amendment was laid on the table.

On motion of Mr. Bulger, the words, “to investigate the propriety of establishing,” were inserted after the words “whose duty it shall be.”

On motion of Mr. Lowe, the word “propriety” was stricken out of the amendment offered by Mr. Bulger, and the word “expediency” inserted.

On motion of Mr. Cochran, the vote by which the amendment offered by Mr. Steele was adopted, was reconsidered, and the amendment was lost.

Mr. Steele moved to amend by inserting, after the word “maintain,” the words, “at the expense of the State.”

The motion did not prevail.

On motion of Mr. Boyd, the following proviso was added to the bill :

Provided, Said commissioners shall receive no pay from the State for their services.

The bill was ordered to a third reading.

Bills were introduced by

Mr. Smith of Choctaw—

To relieve William Harris Coleman, jr., of the county of Washington, of the disabilities of non-age ;

Which was read the first and second times forthwith, and ordered to a third reading.

By Mr. Williams—

To prevent the selling of liquors within four miles of Mt. Zion, New Lebanon, and Providence churches, in the county of Montgomery ;

Which was read the first and second times forthwith.

On motion of Mr. Harmount, it was amended to include in its provisions Fair Prospect church, in Montgomery county.

The bill was read the third time forthwith and passed.

By Mr. Williams--

To make Susan B. Thomasson, of Baker county, a free dealer.

By Mr. Kennedy---

To regulate legal and other notices in the county of Sanford.

By Mr. Bassett---

To authorize the court of county commissioners of Washington county to levy a special tax for building and repairing bridges in said county.

By Mr. Leath---

To amend an act to vest certain lands in the heirs and widow of the estate of Isaac L. Ward, deceased, late of Cherokee county.

By Mr. Payne---

To repeal an act to legalize an election held in the county of Blount on the 4th and 5th days of February, 1868, approved March 30, 1870.

By Mr. Smith of Choctaw--

To make certain persons therein named, free dealers.

Also---

To amend section 1522 of the Revised Code of Alabama.

By Mr. Murrah--

In relation to the Preachers' Aid Society of the Annual Conference of the Methodist Episcopal Church South.

By Mr. Wyman—

To repeal a certain portion of the school laws ;

Which were severally read the first, second and third times forthwith and passed.

By Mr. Alley—

To consolidate the fine and forfeiture fund of Macon county with the general fund of said county ;

Which was read the first and second times forthwith.

On motion of Mr. Strobach, the provisions of the bill were made applicable to Montgomery county ;

The bill was referred to the Committee on Local Legislation.

By Mr. Alley—

To define a day's work in mines, mills, workshops and manufacturing and mechanical shops and establishments ;

Which was read the first and second times forthwith, and referred to the Committee on the Military.

By Mr. Ware—

To repeal an act to declare Joseph H. Harris, a liner between the counties of Chambers and Lee, a citizen of Lee county, and to change the line between said counties ;

Which was read the first and second times forthwith, and referred to the Special Committee, consisting of members from the counties of Chambers and Lee ;

Also—

To repeal an act to change the counties of Chambers and Lee ;

Which was read the first and second times forthwith, and referred to the same committee.

By Mr. Hurt—

To change the board of equalization in this State.

By Mr. Smith of Sumter—

For the relief of Benjamin Hawkins, and to re-imburse money paid by him improperly for license as a dentist.

By Mr. Johnson of Coosa—

To allow B. T. Goza to sell general merchandise and spirituous liquors for medical purposes, in quantities not less than a quart, free of State and county taxes and licenses ;

Which were severally read the first and second times forthwith, and referred to the Committee on Ways and Means.

On motion of Mr. Boyd, the House instructed the clerk to return to the Senate the House substitute for the bill—

To establish an agricultural college in the State of Alabama, and to notify the Senate that the House insisted on its substitute ;

By Mr. Graham, a bill—

For the relief of John M. Brown of the county of Perry ;

Which was read the first, second and third times forthwith and lost.

By Mr. Toomer, a bill—

For the improvement of the State Capitol and Capitol grounds ;

Which was read the first and second times forthwith and referred to the Committee on the State Capitol.

By Mr. Toulmin—

Making an appropriation in aid of the Medical College of Alabama ;

Which was read the first and second times forthwith, and made the special order for 11 o'clock to-morrow morning.

On motion of Mr. Hewitt,

The House adjourned till 10 o'clock a. m., to-morrow.

THURSDAY, March 2, 1871.

House met pursuant to adjournment.

Prayer by the Rev. Dr. Petrie.

Journal of yesterday was read and approved.

Mr. Powell, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To regulate sheriff's sales in Hale county ;

To amend an act to incorporate the Montgomery Water Works Company, for the city of Montgomery ;

To prevent assessing or collecting a special tax by the commissioners courts of Pike and Dale counties ;

To restrict the amount which may be allowed to the county officers of Coffee county for *ex-officio* services ;

To authorize the mayor and council of the city of Selma to provide for the bonded and other debts of said city ;

For the relief of Laura Terry of Geneva county ;

To amend an act to incorporate the Red Mountain Iron and Coal Company ;

To amend an act incorporating the Cahaba Coal Company, approved February 23d, 1866 ;

For the relief of the estate of Wm. T. Upshaw, deceased ;

To abolish the county court of Butler county ;

To regulate the chancery courts in the fifth district of the Southern Chancery Division of the State of Alabama ;

To amend the charter of the Washington Fire and Marine Insurance Company of Mobile ;

To authorize and empower John Brown, probate judge of Walker county, to exercise jurisdiction over the estates of James M. Kitchin and Samuel Sparks, deceased ;

To authorize the corporate authorities of Troy to purchase real property sold for taxes levied and assessed by said au-

thorities, and to enforce the rights acquired by such purchase ;

For the relief of M. M. Moore of the county of Muscogee and State of Georgia, and S. L. Hanks of the county of Clay and State of Georgia ;

To provide for the bond of the tax collector of the county of Mobile ;

To prevent the sale of spirituous liquors within three miles of Trinity Church, in Morgan county ;

To establish a criminal court for the county of Butler, with criminal and civil jurisdiction ;

To empower Lucy Dinkins, executrix of Edward Dinkins, late of Pike county, deceased, to sell certain lands ;

To amend section 8 of an act entitled an act to create a new county, to be called the county of Baker ;

To appropriate the sum of \$74 94, out of any funds in the Treasury not otherwise appropriated, to pay the interest on the 16th section fund, due township 15, range 2, west, for the county of Jefferson ;

For the relief of Carrie J. Edwards of Tallapoosa county ;

To amend section 4218 of the Revised Code, as to Perry county ;

To authorize and empower John Brown, probate judge of Walker county, to exercise jurisdiction over the estate of Thomas Brown, deceased ;

To authorize the owners of steam grist mills and other grist mills, except water mills, to receive one-sixth as toll, in compensation in Sumter county, for services rendered ;

For the relief of Ida Waddell of Tallapoosa county ;

To establish a new charter for the city of Talladega, and to repeal all laws in contravention thereto, approved March 1st, 1870 ;

To authorize Catherine Harper of Coffee county, to sell a certain piece of land ;

To prohibit the sale of spirituous, or vinous liquors within one and one-fourth of a mile of Porterville, DeKalb county ;

To prohibit the sale of spirituous vinous or malt liquors within three miles of Mount Taybor Church, in Blount county.

The House proceeded to the consideration of the Veto Message of the Governor to the bill—

To prescribe and enforce the terms upon which Express Companies, not incorporated by or under the laws of this State, may do business in this State.

Pending the consideration, the hour of 11 o'clock having arrived—

The special order for this hour was postponed till one o'clock, which was the bill—

Making an appropriation in aid of the Medical College of Alabama.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has originated and passed the following bill, and ordered the same to the House without engrossment—

To refund to Barbour county certain amounts of money erroneously allowed for the county tax ;

And has passed the House bill---

To repeal an act to amend section 1099 of the Code of Alabama, so far as the same relates to Limestone county.

The Senate has amended as therein shown and passed the House bill—

To protect the planters of this State from imposition in the sale of fertilizers.

The Senate has amended as therein shown, and adopted the joint resolution,

In relation to adjournment ;

Yeas 16, nays 8.

Respectfully,

M. P. BLUE,
Secretary of Senate.

Pending the further consideration of the Veto Message, the hour of twelve o'clock having arrived—

The special order for this hour was taken up,

Which was the bill—

To expedite the construction of the Tennessee and Coosa railroad.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has originated and passed a bill—

To establish and encourage the cultivation of fish in the State of Alabama ;

And has ordered the same to the House without engrossment.

Respectfully,

M. P. BLUE.
Secretary of Senate.

Pending the consideration of the special order—

Mr. Ware, from the Special Committee, returned the following bills, and asked their reference to the Committee on Counties and County Boundaries :

To repeal an act to change the county line between the county of Chambers and Lee ;

To repeal an act to declare Joseph H. Harris, (a liner between the counties of Chambers and Lee,) a citizen of Lee county, and to change the line between said counties.

The request was complied with, and the bills so referred.

Mr. Powell, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To provide an additional term of the chancery court for the 11th district of the middle chancery division, composed of the county of St. Clair ;

For the relief of Hiram Gibson of Jackson county ;

For the relief of Caroline Sellick ;

To authorize Temperance Faircloth to sell lands belonging to James Floyd Faircloth, deceased ;

To amend an act to incorporate Uniontown, in Perry county ;

To prohibit the sale of vinous or spirituous liquors at or within two miles of Taylor's Chapel, in the county of Jefferson ;

To prohibit the sale of spirituous or intoxicating liquors of any kind within two miles in any direction of the Clopton Academy, in the county of Dale ;

To amend an act to regulate the finances of Coffee county ;

To prohibit the sale, making, or giving away of spirituous, vinous or malt liquors within one mile of the school house located at Walnut Grove, Etowah county ;

For the relief of the disabilities of non-age ;

To amend an act entitled an act to incorporate the town of Greensboro, in the county of Hale, Alabama ;

To protect keepers, owners or proprietors of livery stables.

Pending the further consideration of the bill,

To expedite the construction of the Tennessee and Coosa railroad,

The question being on the passage of the bill ;
It was lost, two-thirds not voting in the affirmative.
Yeas 50, nays 26.

Messrs. Alley, Appleton, Bassett, Benson, Black, Box, Bullock, Carlin, Clark, Cochran, Cowan, Craig, Crook, Curtis, Diggs, Doster, Dozier, Duskin, Dustan, Ellison, Etheridge, Gaskins, Gee, Grayson of Clarke, Green, Haralson, Hewitt, Howell, Johnson of Dallas, King, Leath, Lowe, McCaskey, McDermott, Nininger, Payne, Perrin, Rice, Smith of Choctaw, Smith of Greene, Smith of Sumter, Speed, St. Clair, Strauss, Strobach, Thompson, Toulmin, Wells, Williams and Wyman—50.

Those who voted yea are—

Messrs. Speaker, Ashurst, Bradford, Bulger, Callaway, Davis, Hamilton, Harmount, Henry, Hitchcock, Hodo, Holmes of Sumter, Johnson of Coosa, Kennedy, Lewis, McCall, Marlowe, Miller, Moore, Murrah, Powell, Steele, Taylor of Lauderdale, Toomer, Ware and Weatherford—26.

On motion of Mr. Strobach,

The House adjourned till 4 o'clock this afternoon.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Lowe, from the Committee on Internal Improvements, reported favorably to the bills—

To repeal an act entitled an act to repeal in part an act to incorporate the Mobile and Girard Railroad company, approved January 21st, 1865, (as it appears in pamphlet acts of 1865 and '66,) which last named act was really approved January 21st, 1846, and not January 21st, 1865 ;

To appropriate the county taxes derived from railroads in Limestone county, to the building of a bridge over Elk River, in said county ;

To allow the collection of toll and other purposes to John J. Delchamps, of Mobile county ;

Which were severally read the third time forthwith and passed.

Also, favorably to the bill,

To amend and repeal section 11 of an act to furnish the aid and credit of the State of Alabama, for the purpose of expediting the construction of railroads within the State, approved February 21st, 1870.

On motion of Mr. Bradford,

It was laid on the table.

Also, favorably to the bill,

To improve and develop the system of Internal Improvements in the State of Alabama.

On motion of Mr. Lowe,

The bill was made the special order for Saturday, 12 o'clock, m., and 200 copies ordered printed ;

Also, favorably to the memorial and joint resolutions to the Congress of the United States, relative to the Southern Pacific Railroad ;

Which was read and adopted ;

Mr. Smith of Sumter, from the Select Committee, reported favorably to the Senate bills—

For the relief of P. J. Anderson, Register, and William H. Dingley, Receiver of U. S. Land office, Montgomery, Alabama ;

To provide for payment of fees due from the State of Alabama, to Register and Receiver of United States Land office at Mobile, Alabama.

On motion of Mr. Bulger,

The bills were recommitted, to be reported on Saturday.

Leave of absence was granted to Mr. Graham for 3 days.

Mr. Hurt, from the Committee on Appropriations, reported adversely to the bill—

For the relief of Peter M. Horn, of Wilcox county.

The report was concurred in.

Mr. Henry, from the Committee on Agriculture and Commerce, reported favorably to the bill—

To amend section 1282 of the Revised Code of Alabama ;

Which was read the third time forthwith and passed ;

Also, adversely to the bill—

In relation to fences, the protection of crops and other property in township 15, ranges 1 and 2, east, which lies in Marengo county.

The House refused to concur in the report ;

And the bill was read the third time forthwith and passed.

Also, adversely to the bill—

To repeal an act for the protection of plantations and lands against the depredations of stock in Lowndes county.

The report was concurred in.

Mr. Moore, from the Committee on Local Legislation, returned the bill—

For the relief of Hugh Montgomery, of Cleburne county ;
And asked its reference to the Judiciary Committee ;
Which was done.

Also, adversely to the bill—

To make Mrs. L. Johnston and Mrs. S. J. Wharton, of Choctaw county, free-dealers ;

To consolidate the fine and forfeiture fund of Macon and Montgomery counties with the general fund of said counties ;
Senate bill—

To make Mary E. Dowdy, wife of Enoch W. Dowdy, and Mrs. Hannah Spencer, wife of James Spencer, free-dealers.

The reports were severally concurred in.

Message from the Governor by Mr. Chardevoyne :

Mr. Speaker :

I am directed by His Excellency, the Governor, to inform you that he has approved the following acts, originating in the House of Representatives :

An act to regulate the chancery courts in the fifth district of the southern chancery division of the State of Alabama ;

For the relief of Laura Terry, of Geneva county ;

To prevent assessing and collecting a special tax by the commissioners court of Pike and DeKalb counties ;

To authorize and empower John Brown, probate judge of Walker county, to exercise jurisdiction over the estates of James M. Kitchen and Samuel Sparks, deceased ;

To restrict the amount which may be allowed the county officers of Coffee county for *ex-officio* services ;

To amend section 27 of an act entitled an act to establish a new charter for the city of Talladega, and to repeal all laws in contravention thereto, approved March 1, 1870 ;

To amend an act incorporating the Cahaba Coal Company, approved February 23, 1866 ;

For the relief of M. M. Moore, of the county of Muscogee, State of Georgia, and S. L. Hanks, of the county of Clay, State of Georgia ;

To amend section 8 of an act entitled an act to create a new county to be called the county of Baker ;

For the relief of the estate of William T. Upshaw, deceased ;

To amend the charter of the Washington Fire and Marine Insurance Company of Mobile ;

To empower Lucy Dinkins, executrix of Edward Dinkins, late of Pike county, to sell certain lands ;

To abolish the county court of Butler county ;

To prevent the sale of spirituous liquors within three miles of Trinity Church, in Morgan county ;

To prohibit the sale of spirituous, vinous or malt liquors within three miles of Mount Tabor Church, in Blount county ;

To prohibit the sale of spirituous or vinous liquors within one and a fourth of a mile of Porterville, DeKalb county ;

For the relief of Ida Waddell of Tallapoosa county ;

To authorize and empower John Brown, probate judge of Walker county, to exercise jurisdiction over the estate of Thomas Brown, deceased ;

For the relief of Carrie J. Edwards, of Tallapoosa county ;

To regulate sheriffs' sales in Hale county.

JOHN H. GINDRAT,
Private Secretary.

Mr. Box, from the Committee on Fees and Salaries, reported favorably to the bill—

To amend section 2347 of the Revised Code of Alabama ;

Which was read the third time forthwith and passed.

Also, favorably, with substitute, for the bill—

To relieve Mrs. A. M. Gue, of Sumter county, from the payment of excessive taxation.

The substitute was adopted.

On motion of Mr. Toomer,

The preamble was stricken out.

Mr. Moore moved that the bill be recommitted, with instructions for the committee to report a general bill.

On motion of Mr. Dustan,

The motion was laid on the table.

The bill was read the third time forthwith and passed.

Also, favorably to the bills—

To increase the fees of certain officers in the counties of Dallas and Perry ;

To regulate payment of fines and forfeitures in the county of Wilcox ;

Which were severally read the third time and lost.

On motion of Mr. Marlowe,

The vote by which the bill was lost—

To regulate the payment of fines and forfeitures in the county of Wilcox ;

Was reconsidered, and the question being again on the passage of the bill, it was lost.

Also, favorably, with amendment, to the Senate bill—

To provide copies of the Journals of the two Houses of the General Assembly, during the present session, for the State Printer.

Amend by adding to the 1st section the following :

And the further sum of one hundred dollars is hereby appropriated to the Journal Clerk of the House for reading the proof and preparing proper indexes for the Laws and the Journals of the two Houses of the General Assembly.

The amendment was adopted, the bill read the third time forthwith and passed.

On motion of Mr. Strobach,

The Senate amendments to the House joint resolution relative to adjournment, was taken up.

The Senate amendment fixing the day of adjournment on Thursday, the 9th of March, instant, was concurred in—yeas 52, nays 24.

Those who voted yea are—

Messrs. Speaker, Alley, Appleton, Ashurst, Bassett, Benson, Box, Boyd, Callaway, Clark, Cochran, Cowan, Crook, Davis, Diggs, Doster, Dozier, Duskin, Dustan, Ellison, Etheridge, Gaskin, Gee, Grayson of Clarke, Hamilton, Haralson, Harmount, Henry, Hitchcock, Holmes of Baldwin, Holmes of Sumter, Hurt, Johnson of Dallas, King, Leath, Lewis, Lowe, McCaskey, McDermott, Marlowe, Nininger, Payne, Perrin, Powell, Rice, Semmes, Smith of Sumter, Speed, Strauss, Toulmin, Ware and Wells—52.

Those who voted nay are—

Messrs. Bradford, Bulger, Bullock, Carlin, Craig, Hewitt, Hodo, Howell, Johnson of Coosa, Kennedy, McCall, Miller, Moore, Raisler, Smith of Choctaw, Smith of Greene, St. Clair, Steele, Strobach, Thompson, Toomer, Weatherford, Williams and Wyman—24.

Leave of absence was granted Mr. Gunn for three days.

On motion of Mr. Perrin,

The House adjourned till to-morrow morning, 10 o'clock

FRIDAY, March 3, 1871.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Payne.

Journal of yesterday was read and approved.

Leave of absence was granted Messrs. Hewitt, Steele and Boyd for three days each, and to Dr. Murrah for an indefinite time, on account of sickness in his family.

Mr. Davis moved to reconsider the vote by which the House passed the bill—

In relation to fences, the protection of crops and other property, in township 18, of ranges 1 and 2, east, which lies in Marengo county.

The question of reconsideration was postponed temporarily.

On motion of Mr. Toomer, the vote was reconsidered by which was lost the bill—

To expedite the construction of the Tennessee and Coosa railroad.

Pending the consideration of the bill, a

Message was received from the Senate by Mr. Whiting:

Mr. Speaker:

The Senate has originated and passed bills as follows:

To extend the jurisdiction of courts of chancery;

To amend an act entitled An act to amend section 4063 of the Revised Code of Alabama;

To permit suits concerning partnership business to be brought in the county in which the partnership existed;

To amend section 3695 of the Revised Code of Alabama.

Also, a bill—

To amend section 5 of an act to permanently locate the county seat of Baker county;

And ordered the same to the House without engrossment.

And has passed the House bill—

To remove the administration of the estate of James Metcalf from the county of Marion to the county of Sanford.

M. P. BLUE,

Secretary of the Senate.

Pending the further consideration of the bill, the hour of 12 o'clock having arrived—

On motion of Mr. Strobach,
The general orders were suspended to continue the further consideration of the bill.

Message from the Senate, by Mr. Whiting :

Mr. Speaker :

The Senate has originated and passed joint resolution as herewith transmitted—

To provide for the payment of the interest due and unpaid upon the valid claims against the State on account of the failure of the Alabama and Chattanooga railroad company to pay said interest.

And has originated and passed bills as follows :

To provide suitable monuments over the graves of the late Lieut. Governor A. J. Applegate, and the late Hon. J. F. Morton, Senator from the 9th Senatorial district ;

For the relief of Mrs. A. E. M. James, of Madison county ;

To authorize tax collectors to re-sell certain lands in cases therein specified ;

To authorize the appointment of a clerk in the office of the Superintendent of Public Instruction, for the purpose therein specified ;

To repeal section 479 of the Revised Code of Alabama ;

For the relief of John S. Corbin.

Respectfully,

M. P. BLUE,
Secretary of the Senate.

Pending the further consideration of the bill—

On motion of Mr. Smith of Sumter,

The previous question was ordered.

The question recurring on the passage of the bill, and two-thirds not voting therefor, it was lost—yeas 44, nays 26.

Those who voted yea are—

Messrs. Alley, Appleton, Bassett, Black, Box, Bullock, Carlin, Clark, Cowan, Craig, Crook, Curtis, Diggs, Doster, Dozier, Duskin, Dustan, Ellison, Gaskin, Green, Haralson, Holmes of Baldwin, Howell, Johnson of Dallas, King, Leath, Lowe, McDermott, Marlowe, Nininger, Payne, Perrin, Rice, Semmes, Smith of Choctaw, Smith of Sumter, Speed, St. Clair, Strauss, Strobach, Thompson, Toulmin, Wells and Williams---44.

Those who voted nay are--

Messrs. Speaker, Ashurst, Bradford, Bulger, Callaway, Davis, Etheridge, Gee, Hamilton, Harmount, Henry, Hitchcock, Hodo, Johnson of Coosa, Kennedy, Lewis, McCall, McCaskey, Miller, Moore, Powell, Simms, Taylor of Lauderdale, Toomer, Ware and Weatherford---26.

Mr. Henry offered the following resolution, which lies over one day under the rules :

Be it resolved, That the afternoon sessions of the House, commencing at 4 o'clock each day, be and the same are hereby suspended until Monday next.

On motion of Mr. Strobach,

The House adjourned until 4 o'clock this afternoon

AFTERNOON SESSION.

House met pursuant to adjournment.

On motion of Mr. Bulger,

The House adjourned till 10 o'clock to-morrow morning

SATURDAY, March 4, 1871.

House met pursuant to adjournment.

Journal of yesterday read and approved.

The House proceeded to the consideration of the motion made on yesterday to reconsider the vote by which the bill passed---

In relation to fences, the protection of crops and other property, in township 18, ranges 1 and 2, east, which lies in Marengo county.

Mr. Dustan moved to lay the motion to reconsider on the table ;

Lost.

The vote by which the bill passed was reconsidered, and further action temporarily postponed.

Mr. Rice, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To remove the administration of the estate of James Metcalf from the county of Marion to the county of Sanford ;

To declare certain persons therein named free-dealers ;

To amend an act entitled an act to amend an act, approved 26th January, 1858, entitled an act to incorporate the schools

of Loachapoka, in Macon county, approved March 1st, 1870 ;
 For the relief of H. Graham, late tax collector of Calhoun county ;

To change the line between the counties of Jefferson and Shelby ;

To prohibit the sale of vinous or spirituous liquors within one mile of the Methodist Church, in Enon, Bullock county ;

To repeal an act to amend section one thousand and ninety-nine of the Revised Code of Alabama, so far as the same relates to the county of Limestone ;

To incorporate the town of Dadeville, in the county of Tallapoosa ;

Leave of absence was granted Messrs. Toomer for one day, Powell for two days, and Harmount for three days.

On motion of Mr. Toulmin, the bill,

Making an appropriation in aid of the Medical College of Alabama ;

Was taken up, read the third time forthwith and passed, by a vote of 57 yeas, to 7 nays.

Those who voted yea are—

Messrs. Alley, Appleton, Ashurst, Bassett, Benson, Black, Box, Bradford, Bulger, Bullock, Callaway, Carlin, Craig, Curtis, Davis, Diggs, Duskin, Dustan, Ellison, Etheridge, Grayson of Clark, Green, Hamilton, Haralson, Harmount, Hitchcock, Hodo, Holmes of Sumter, Howell, Johnson of Dallas, Kennedy, King, Leath, Lewis, Lowe, McCaskey, McDermott, Miller, Moore, Nininger, Raisler, Rice, Semmes, Smith of Choctaw, Smith of Sumter, St. Clair, Strauss, Strobach, Taylor of Lauderdale, Toomer, Toulmin, Ware, Weatherford, Wells, Williams and Wyman—57.

Those who voted nay are—

Messrs. Speaker, Drake, Gaskin, Johnson of Coosa, McCall, Simms and Thompson—7.

Mr. Strobach moved to reconsider the vote by which the bill passed.

On motion of Mr. Black, the motion was laid on the table.

On motion of Mr. Bullock, the resolution relative to the afternoon sessions of the House was taken up.

On motion of Mr. Strobach, the words "until Monday next" were stricken out.

As amended, the resolution was adopted.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has originated and passed bills as follows:

To repeal section 2 of an act entitled an act to incorporate the Palmyra Female Accademy in Barbour county, approved January 11th, 1860 ;

To authorize the Governor to subscribe to a new map of Alabama ;

For the relief of Solomon E. Jordan, sheriff of Randolph county ;

To prohibit the sale or giving away of spirituous, vinous or malt liquors within one and a half miles of Andrew Chapel and Poplar Spring Church, in Coosa county.

M. P. BLUE,
Secretary of Senate.

Mr. Strobach, from the Committee on the Capitol, reported favorably to the bill—

For the improvement of the State Capitol and Capitol grounds ;

Which was read the third time forthwith and lost.

Also, reported a joint resolution---

Relative to hoisting the national flag on the Capitol ;

Which was read the first and second times forthwith.

Mr. Bulger moved to recommit the resolutions.

Mr. Dustan moved to lay the motion on the table ;

Lost.

Mr. Haralson moved to lay the resolutions on the table ;

The House refused to recommit ;

Yeas 32, nays 23.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Benson, Bradford, Bulger, Bullock, Callaway, Cowan, Crook, Davis, Etheridge, Grayson of Clarke, Hamilton, Henry, Hitchcock, Hodo, Holmes of Sumter, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Payne, Raisler, Rice, Simms, Smith of Choctaw, Smith of Sumter, Taylor of Lauderdale, Ware and Wyman—
32.

Those who voted nay are—

Messrs. Alley, Bassett, Black, Carlin, Cochran, Craig, Curtis, Diggs, Doster, Duskin, Dustan, Ellison, Gaskin, Gee, Green, Haralson, Howell, Johnson of Dallas, King, Lowe,

McCall, McCaskey, Marlowe, Miller, Nininger, St. Clair, Strauss, Strobach, Thompson, Toulmin, Weatherford, Wells and Williams—33.

Mr. Leath moved to strike out "one hundred and fifty" and insert "twenty-five ;"

Lost.

Mr. Henry moved to strike out the word "fifty ;"

Lost.

The resolutions were ordered to a third reading.

Mr. Bulger, from the special committee, to which was referred the resolution to investigate the mistake or error which occurred in the engrossment of the bill "to provide for the payment of the interest due and unpaid upon the valid claims against the State, on account of the failure of the Alabama and Chattanooga Railroad Company to pay said interest," direct me to report as follows, to-wit :

The committee has given the matter thorough investigation and find that the bill, a copy of which is herewith submitted, and marked exhibit "A," was read twice on the 23d February, 1871, in this House, and ordered to be engrossed ; that the bill as marked exhibit "A," went to the hands of Mr. Thos. Taylor, the engrossing clerk of this House ; that he failed by inadvertence to engross said bill, so read the first and second times in this House, but did engross a bill somewhat similar, and, in fact, was the same bill, except the following omission therefrom, to-wit :

"And provided further, That no interest shall be paid upon any of said bonds in the hands of the said railroad company, any incorporator or agent thereof or merely hypothecated by them, it being the object and intent of this enactment to pay interest only to innocent and *bona fide* purchasers," as shown by exhibit "B," herewith submitted, and the committee would suggest a comparison of exhibits "A" and "B," which will show the omission in the engrossment plainly. The committee also find that the bill so engrossed, was read only once in this House, and was by mistake voted on as the bill shown by exhibit "A," was not engrossed as directed, and as was read the first and second times in this House.

And after investigating all the facts, herewith submit a resolution in justification of the engrossing clerk, and recommend its adoption by this House.

W. D. BULGER, Ch'r Com.

J. L. POWELL,

B. B. LEWIS.

The following resolution, recommended by the committee, was unanimously adopted :

Resolved, That this House attaches no blame whatever to the Engrossing Clerk for the defective engrossment of the bill, entitled "An act to provide for the payment of the interest due and unpaid upon the valid claims against the State, on account of the failure of the Alabama and Chattanooga Railroad Company to pay said interest," which was passed by this body on the 25th inst.

Mr. Bradford, from the Committee on Revision of Laws, reported favorably to the following bills—

To empower Wm. B. Skinner, executor of the last will of Emanuel Sligh, deceased, to sell the real estate of said Sligh ;

To repeal sections 3932 and 3939 of the Revised Code of Alabama ;

To amend section 3931 of the Revised Code of Alabama ;

To amend section 3734 of the Revised Code of Alabama ;

To amend section 2960 of the Revised Code of Alabama ;

In reference to juries in the circuit and city courts of Mobile ;

Which were severally read the third time forthwith, and passed.

Also, favorably to the bill, with amendment,

Defining the duties of the Coroner for Mobile county ;

Amend by striking out the 4th section ;

The amendment was adopted ;

The bill was read the third time forthwith and passed.

Also, favorably to the bill,

To amend section 2282 of the Revised Code of Alabama ;

Which was read the third time forthwith, and lost.

To repeal section 2877 of the Revised Code of Alabama ;

Which was ordered to a third reading.

The hour of twelve o'clock having arrived,

The House proceeded to the consideration of the veto message of the Governor to the bill—

To prescribe and enforce the terms upon which Express Companies not incorporated by or under the laws of this State, may do business in this State.

Pending the consideration of the bill,

A message was received from the Governor by Mr. Gindrat :

Mr. Speaker :

I am directed by the Governor to inform you that he has approved the following acts originating in the House of Representatives :

For the relief of Caroline Sellick ;

To provide for an additional term of the chancery court for the eleventh district of the middle chancery division, composed of the county of St. Clair ;

To authorize Temperance Faircloth to sell lands belonging to James Floyd Faircloth, deceased :

To amend an act to incorporate Uniontown, in Perry county ;

To prohibit the sale of spirituous or intoxicating liquors of any kind within two miles, in any direction, of the Clopton Academy, in the county of Dale ;

To amend section 4218 of the Revised Code as to Perry county ;

To appropriate the sum of seventy-four 94-100 dollars out of any funds in the Treasury not otherwise appropriated, to pay the interest on the 16th section fund due township 15, range 2, west, for the county of Jefferson ;

To provide for the bond of the tax collector of the county of Mobile ;

To amend an act to incorporate the Montgomery Water Works Company for the city of Montgomery ;

To authorize Catherine Harper of Coffee county, to sell a certain piece of land ;

In relation to the Bienville Water Works Company of the city and county of Mobile ;

To prohibit the sale of vinous or spirituous liquors, at, or within two miles of Taylor's Chapel, in the county of Jefferson ;

For the relief of the disabilities of non-age ;

To prohibit the sale, making or giving away of spirituous, vinous or malt liquors within one mile of the school-house located at Walnut Grove, Etowah county ;

To amend an act to regulate the finances of Coffee county ;

For the relief of Hiram Gibson of Jackson county ;

To protect keepers, owners or proprietors of livery stables ;

To authorize the owners of steam grist mills and other

grist mills, except water mills, to receive one-sixth as toll in compensation in Sumter county for services rendered ;

To amend an act entitled an act to incorporate the town of Greensboro, in the county of Hale.

To establish a criminal court for the county of Butler, with criminal and civil jurisdiction ;

To authorize the mayor and council of the city of Selma, to provide for the bonded and other debts of said city ;

To authorize the corporate authorities of the city of Troy, to purchase real property sold for taxes, levied and assessed by said authorities, and to enforce the rights acquired by such purchase ;

To amend an act to incorporate the Red Mountain Iron and Coal company.

Respectfully,

JOHN H. GINDRAT,
Private Secretary.

Message from the Senate, by Mr. Whiting :

Mr. Speaker :

The Senate has passed a House bills as follows—

For the relief of M. M. Cook ;

To decrease the pay of the members of the commissioners court of the county of Choctaw ;

For the relief of the heirs of Joseph Stanley ;

To repeal an act to increase the *ex-officio* pay of the sheriff of Choctaw county ;

To incorporate the Montgomery and Pickett Springs Gravel Road ;

To amend an act to incorporate the Protestant Episcopal Church in the diocese of Alabama, and enable said church to provide for the orphans and widows of soldiers, and other destitute persons.

And amended, as therein shown, and passed House bills—

To prevent the sale of spirituous liquors within two miles of the town of Pushmataha, in Choctaw county, Alabama ;

To amend an act to incorporate the Montgomery and Pickett Springs Gravel Road Company ;

To incorporate the town of Rutledge ;

To establish a new charter for the town of Athens, in Limestone county ;

And has originated and passed a bill—

To amend section 2358 of the Revised Code of Alabama.

M. P. BLUE,

Secretary of Senate.

On motion of Mr. Bullock, the previous question was ordered,

And the House refused, by a vote of 25 yeas to 43 nays, to pass the bill over the Governor's veto.

Those who voted yea are—

Messrs. Speaker, Alley, Benson, Black, Box, Bradford, Carlin, Curtis, Diggs, Doster, Drake, Green, Hitchcock, Howell, Johnson of Dallas, King, McCall, Marlowe, Nininger, Perrin, Rice, St. Clair, Strobach, Wells and Williams—25.

Those who voted nay are—

Messrs. Appleton, Ashurst, Bassett, Boyd, Bulger, Bullock, Callaway, Cochran, Cowan, Crook, Duskin, Ellison, Etheridge, Gee, Grayson of Clarke, Hamilton, Haralson, Henry, Hodo, Holmes of Baldwin, Holmes of Sumter, Hurt, Kennedy, Leath, Lewis, Lowe, McDermott, Miller, Moore, Payne, Raisler, Semmes, Simms, Smith of Choctaw, Smith, of Greene, Smith of Sumter, Strauss, Taylor of Lauderdale, Thompson, Toulmin, Ware, Weatherford and Wyman—43.

Leave of absence was granted Mr. Bradford, and to Mr. Phelan, the clerk of the House, for the remainder of the session.

On motion of Mr. Haralson,

The House adjourned till 10 o'clock Monday morning.

MONDAY, March 6, 1871.

House met pursuant to adjournment.

Prayer by Rev. Mr. Appleton.

Journal of Saturday read and approved.

Bills were introduced—

By Mr. Leath—

To authorize Catherine L. Hughes, administratrix of Joseph Hughes, deceased, late of Etowah county, to sell land at public or private sale.

By Mr. Etheridge—

To authorize and empower A. W. Jones, probate judge of Conecuh county, to exercise jurisdiction over the estate of Joseph V. Perryman, deceased;

Also—

To repeal an act entitled An act to regulate the publication of legal and other notices in the State of Alabama, approved August 12, 1868, and also an act to amend an act entitled An act to regulate the publication of legal and other notices in the State of Alabama, approved October 10, 1868, so far as they relate to Conecuh county ;

By Mr. Strauss—

To provide for the incidental and contingent expenses of the State, for the fiscal year ending September 30th, 1871.

By Mr. Wyman—

To exempt the county of Tuscaloosa from the provisions of an act to regulate the publication of legal and other notices in the State of Alabama, approved August 12th, 1868, and from the provisions of an act to amend an act to regulate the publication of legal and other notices in the State of Alabama, approved October 10th, 1868.

By Mr. Ashurst—

Joint resolutions to provide for paying the expenses of the joint committee to visit the Penitentiary ;

Were severally read the first, second and third times forthwith and passed.

By Mr. Simms—

To authorize appeals to the supreme court and proceedings in chancery, for the correction of errors in certain cases ;

Was read the first and second times forthwith, and referred to the Judiciary Committee.

By Mr. Toulmin—

To legalize the acts of notaries public.

By Mr. Thompson—

To inflict penalties upon common carriers and their agents for violation of law, in making unjust and illegal distinction, based on color, race and previous condition.

By Mr. Grayson of Clark—

To increase the compensation of grand and petit jurors in Clark county.

By Mr. Grayson of Madison—

To extend the aid of the State of Alabama to the completion of the Tennessee and Coosa Railroad ;

Which were severally read the first time and ordered to a second reading.

By Mr. Strobach---

To make certain married women, therein named, free-dealers ;

Which was read the first, second and third times forthwith, and passed, and ordered to the Senate.

By Mr. Davis—

For the relief of Maria Goss and R. F. Thornton, and to extend to them certain water privileges.

By Mr. Doster---

To amend section 3098 of the Revised Code ;

Which were severally read the first and second times forthwith and ordered to a third reading.

By Mr. Bulger---

To establish a medical board in Tallapoosa county ;

Which was read the first and second times forthwith.

Mr. Bulger moved to suspend the constitutional rule still further, to give the bill a third reading forthwith ;

Lost.

On motion of Mr. Alley, the vote by which the House refused to suspend the constitutional rule, was reconsidered, and the bill was read the third time forthwith, passed, and ordered to the Senate.

By Mr. Toomer---

To amend an act to empower the commissioners court of Chambers county to issue bonds for the purpose of liquidating the present indebtedness of the county.

By Mr. Moore---

To amend an act to suppress murder, lynching and assaults and batteries, approved December 28th, 1868 ;

Which were severally read the first and second times, and referred to the Committee on Revision of the Laws.

By Mr. Moore---

In relation to the Troy and Elba branch of the Vicksburg and Brunswick Railroad ;

Which was read the first and second times and referred to a select committee of three, consisting of Messrs. Moore, Doster and Toomer ;

Also---

To provide for the payment of the unpaid claims of teachers, accruing prior to July 15th, 1868, and subsequent to December 31st, 1867 ;

Which was read the first and second times forthwith, and referred to a select committee of five, consisting of Messrs. Moore, Wyman, McCall, Bullock and Appleton.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has passed the following House bills :

To extend the powers of the Fire Department Association of Mobile ;

To authorize the commissioners court of Barbour county to pay certain fees to the sheriff of said county.

And has amended, as therein shown, and passed a House bill---

To regulate the publication of legal notices in the county of Blount.

The Senate has concurred in the House amendments to the Senate bills :

To extend the time for exemption from taxation to the Chickasabogue Manufacturing Company ;

For the relief of the University of Alabama ;

To provide copies of the journals of the two Houses of the General Assembly, during the present session, for the State Printer.

And has passed the following bills :

For the relief of Mason Harwell and Edgar J. Lee, surviving ex-partners of H. P. Lee & Co. ;

To authorize the Governor to endorse gold bonds under the general law indorsing for railroads, at the rate of sixteen thousand dollars per mile.

Respectfully,

M. P. BLUE,
Secretary of Senate.

Mr. Lewis offered the following resolution ;

Which was adopted :

Resolved by the House of Representatives, That a select committee of three be raised to report, as soon as practicable, a bill in relation to the assessment and collection of taxes on the business of express companies.

The Speaker appointed as said committee Messrs. Lewis, Bradford and Crook.

Leave of absence was granted Messrs. McCall for one day, and Smith of Sumter for four days.

Mr. Rice, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To amend an act to incorporate the Montgomery and Pickett Springs Gravel Road ;

To repeal an act to increase the *ex-officio* pay of the sheriff of Choctaw county ;

For the relief of the heirs of Joseph H. Stanley ;

To decrease the pay of the members of the commissioners court of Choctaw ;

For the relief of M. M. Cook.

Mr. Lowe moved to adjourn until 10 o'clock to-morrow.

Lost ;

Yeas 8, nays 54.

Those who voted yea are—

Messrs. Carlin, Cochran, Hodo, Johnson of Dallas, Lewis, Lowe, Perrin and Rice—8.

Those who voted nay are—

Messrs. Speaker, Appleton, Ashurst, Bassett, Benson, Black, Box, Bradford, Bulger, Bullock, Callaway, Clark, Cowan, Craig, Crook, Curtis, Davis, Doster, Dozier, Etheridge, Gaskin, Grayson of Clark, Grayson of Madison, Green, Hamilton, Haralson, Henry, Hitchcock, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, King, Leath, McCaskey, McDermott, Marlowe, Miller, Moore, Payne, Simms, Smith of Choctaw, Smith of Greene, Strauss, Strobach, Taylor of Lauderdale, Thompson, Toomer, Toulmin, Ware, Weatherford, Wells, Williams and Wyman—54.

By Mr. Doster, a bill—

To make claims for rent of buildings by counties for use as a court-house, preferred claims against counties ;

Which was read the first and second times forthwith and referred to the Committee on Counties and County Boundaries.

By Mr. Black—

Joint resolutions in favor of the passage of an act by Congress to allow railroad companies the right of way through any State in the Union ;

Which was read the first time.

On motion of Mr. Bradford,

The joint resolutions were laid on the table.

Mr. Smith of Green offered the following resolution :

Resolved by the House of Representatives, That the assistant door-keeper of this House be allowed to receive five dollars *per diem* during the present session of the General Assembly for the number of days he actually served.

Mr. Williams moved to lay the resolution on the table ;

Lost,

The resolution was adopted.

Mr. Ashurst offered the following resolution :

Resolved by the House, That the Speaker be authorized and directed to sign the certificate of R. C. Clarke, door-keeper, for and on account of his services as sergeant-at-arms of this House.

The resolution was referred to a special committee of three, consisting of Messrs. Ashurst, Toomer and Taylor of Lauderdale.

Mr. Leath, from the select committee to which was recommended the Senate bills—

For the relief of P. J. Anderson, Register, and Wm. H. Dingley, Receiver of U. S. Land Office, Montgomery, Alabama ;

To provide for payment of fees due from State of Alabama to Register and Receiver of United States Land Office at Mobile, Alabama ;

Reported favorably thereto,

And the bills were ordered to a third reading.

Mr. Bradford, from the Committee on Revision of the Laws, reported favorably, with an amendment, to the bill—

To amend section 2339 of the Revised Code.

Amend by striking out of section 1 the words, “ and no penalty heretofore incurred under said section shall be enforced.”

The House refused to adopt the amendment ;

And the bill was ordered to a third reading.

Also, favorably to the bill—

To authorize letters of administration upon the estate of August B. Finlayson, deceased, to be taken out in the probate court of Perry county ;

Which was read the third time and passed.

Also, favorably to the bill—

To amend section 2358 of the Revised Code ;

Which was ordered to a third reading.

The hour of twelve o'clock having arrived, the House proceeded to the consideration of the general orders.

The bills—

To relieve Wm. Harris Coleman, Jr., of the county of Washington, of the disabilities of non-age ;

To establish and encourage the cultivation of fish in this State ;

Were severally read the third time and passed, and the latter was ordered to the Senate.

The bill—

To prevent railroad companies in this State from discriminating between local and through freights,

Was read the third time and lost.

The joint resolution—

To hoist the national flag on the Capitol,

Was made the special order for Thursday at four o'clock, p. m. ;

Yeas 40, nays 27.

Those who voted yea are—

Messrs. Speaker, Ashurst, Bassett, Benson, Box, Bradford, Bulger, Bullock, Callaway, Cowan, Crook, Davis, Etheridge, Grayson of Clark, Grayson of Madison, Hamilton, Henry, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, McDermott, Miller, Moore, Payne, Raisler, Seimmes, Simms, Smith of Greene, Strauss, Taylor of Lauderdale, Toulmin, Ware, Weatherford and Wyman—40.

Those who voted nay are—

Messrs. Alley, Black, Carlin, Clark, Cochran, Craig, Curtis, Diggs, Doster, Dozier, Dustan, Gaskin, Green, Haralson, Howell, Johnson of Dallas, King, Marlowe, Nininger, Perrin, Rice, St. Clair, Strobach, Thompson, Toomer, Wells and Williams—27.

The bill—

To repeal section 2877 of the Revised Code,

Was read the third time and passed.

Mr. Hodo moved to reconsider the vote by which the bill passed.

Mr. Strobach moved to lay the motion on the table ;

Lost.

The vote was reconsidered ;

And the question recurring on its passage,

It again passed.

The bill—

In relation to fences, the protection of crops and other property, in township 18, of ranges 1 and 2, east, which lies in Marengo county,

Was made the special order for Wednesday next.

The House concurred in the Senate amendments to the House bills—

To protect the planters of this State from imposition in the sale of fertilizers ;

To regulate the publication of legal notices in the counties of Blount, Talladega, Clay, Coosa and Tallapoosa ;

To amend an act entitled An act to amend an act to incorporate the Montgomery and Pickett Springs gravel road company ;

To prevent the sale of liquors within two miles of Pushmataha, in Choctaw county ;

To incorporate the town of Rutledge ;

To establish a new charter for the town of Athens, in the county of Limestone ;

The Senate bills—

To amend section 1317 of the Revised Code ;

For the relief of the estate of John H. Murphy ;

To repeal an act declaring it to be a penal offense to obstruct Big Wills creek and its tributaries, in DeKalb county ;

To repeal an act in relation to the protection of crops within certain limits in Dallas county, approved December 3, 1866 ;

To amend the concluding paragraph of section 3 of an act to establish a criminal court for the county of Dallas, approved February 23, 1870 ;

To define more fully the duties of clerks of all courts having criminal jurisdiction ;

For the relief of Jerry Ratlift, tax collector of Blount county ;

To authorize Mrs. Frances Ezell, wife of Wilkerson Ezell, deceased, late of Coffee county, to sell certain lands lying and being in said county ;

To repeal an act declaring Paint Rock, in Jackson and Madison counties, a public highway or navigable stream ;

To amend an act in relation to chancery courts in Alabama, approved August 12, 1868 ;

To authorize the sale of the real estate of the minor children of Gabriel B. DuVal, deceased, and the removal of the proceeds of such sale from this State to the State of Virginia ;

For the relief of the minor heirs of William Johnson, deceased ;

To repeal an act to provide school buildings for the State Normal school, located in Perry county ;

To make the clerk of the circuit court of Autauga county *ex-officio* clerk of the county court ;

To extend the jurisdiction of the courts of chancery ;

Were severally read the first, second and third times forthwith and passed.

Senate bill—

To consolidate the fine and forfeiture fund of Jackson and Madison counties with the general fund of said counties ;

Was read the first and second times forthwith.

On motion of Mr. Rice,

Madison county was stricken from the bill.

On motion of Mr. Bulger,

The bill was laid on the table.

Mr. Haralson moved to take the bill from the table ;

Which motion did not prevail.

Mr. Henry moved to adjourn till 10 o'clock to-morrow morning.

Lost.

The Senate bill—

To consolidate the fund of fines and forfeitures and the general fund of the county of Limestone ;

Was read the first time and laid on the table.

Mr. Carlin moved to adjourn.

Lost.

Message from the Governor, by Mr. Gindrat:

EXECUTIVE DEPARTMENT, }
Montgomery, March 6, 1871. }

Mr. Speaker :

I am directed by his Excellency the Governor, to inform you that he has approved the following act originating in the House of Representatives :

To repeal an act to amend section 1099 of the Revised Code of Alabama, so far as the same relates to the county of Limestone ;

To incorporate the town of Dadeville, in the county of Tallapoosa ;

To prohibit the sale of vinous or spirituous liquors within one mile of the Methodist Church, in Enon, Bullock county ;

To change the line between the counties of Jefferson and Shelby ;

For the relief of H. Graham, late tax collector of Calhoun county ;

To remove the administration of the estate of James Metcalf from the county of Marion to the county of Sanford ;

To make certain persons therein named, free dealers ;

To amend an act entitled an act to amend an act approved 26th January, 1868, entitled an act to incorporate the schools of Loachapoka, in Macon county, approved March 1, 1870.

JOHN H. GINDRAT,

Private Secretary.

The Senate bills---

To refund certain license moneys improperly paid by Wm. Rogers, Robert Pruitt and Robert Snyder, of Coosa county ;

To refund to Barbour county certain amounts of money erroneously allowed from the county tax ;

Were severally read the first and second times forthwith, and referred to the Committee on Ways and Means.

The Senate bills---

To authorize the court of county commissioners of Perry county to dispose of certain school funds in and for said county ;

To consolidate certain funds therein named in the county of Perry ;

Were read the first and second times forthwith, and referred to the Committee on Education, with instructions to report to-morrow.

The Senate bills---

To amend an act to amend section 4063 of the Revised Code ;

To amend section 3695 of the Revised Code ;

Were severally read the first and second times forthwith, and referred to the Judiciary Committee.

The Senate bill---

To permit suits concerning partnership business to be brought in the county in which the partnership existed ;

Was read the first, second and third times forthwith, and lost.

The Senate joint resolution—

To re-enact a bill to be entitled an act to provide for the payment of the interest due and unpaid upon the valid claims against the State on account of the failure of the Alabama and Chattanooga Railroad Company to pay said interest,

Was read the first and second times forthwith.

Mr. Bradford moved to amend, by inserting between the words "purchasers" and "off," in next to last line in section one, the following words : "And provided further, that no in-

terest shall be paid upon any of the said bonds in the hands of the said railroad company, any incorporation or agent thereof, or merely hypothecated by them, it being the object and intent of this enactment to pay interest only to innocent and *bona-fide* purchasers."

Mr. Dustan moved to lay the amendment on the table ;

Lost.

Yeas 28, nays 43.

Those who voted yea are—

Messrs. Alley, Black, Carlin, Clark, Cochran, Craig, Curtis, Diggs, Doster, Dozier, Duskin, Dustan, Gaskins, Gee, Green, Haralson, Johnson of Dallas, King, Lowe, McCaskey, Marlowe, Nininger, Perrin, Rice, Strobach, Thompson, Wells and Williams—28.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Bassett, Benson, Box, Bradford, Bulger, Bullock, Callaway, Cowan, Crook, Davis, Etheridge, Grayson of Clark, Grayson of Madison, Hamilton, Henry, Hitchcock, Hodo, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, McDermott, Miller, Moore, Payne, Powell, Raisler, Semmes, Simms, Smith of Choctaw, Smith of Greene, Strauss, Taylor of Lauderdale, Toomer, Toulmin, Ware, Weatherford and Wyman—43.

On motion of Mr. Black,

The House adjourned till 10 o'clock a. m., to-morrow.

TUESDAY, March 7, 1871.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Smith of Greene.

Journal of yesterday was read and approved.

Mr. Bradford, from the Committee on Revision of Laws, reported favorably to the bill—

To define the duties of county solicitors and regulating their fees ;

Which was read the third time forthwith and passed.

Mr. Moore, from the Committee on Counties and County Boundaries, reported a substitute for the bill—

To make James H. Veasy a citizen of Crenshaw county.

The substitute was adopted,

Read three times forthwith, and passed by a two-thirds vote, and the caption was amended to read as follows :

To change the boundary line between Crenshaw and Covington counties.

Also, a substitute for the bill—

To declare Lewis P. French, a liner between the counties of Blount and Marshall, a citizen of Blount county ;

The substitute was adopted,

Read a third time forthwith, and passed by a two-thirds vote.

Also, favorably to the bill—

To establish an election precinct at Bushy Creek Church, in Conecuh county ;

Which was read the third time and passed.

Also, favorably to the bills—

To change the boundary line between the counties of Bullock and Pike, so as to make James H. Crowder a citizen of Pike ;

To change and alter the boundaries between the counties of Marshall and Blount ;

Which were severally read the third time forthwith and passed by a two-thirds vote.

Also, favorably to the bill—

To make claims for rent of buildings by counties, for use as a court-house, preferred claims against counties ;

Which was read the third time forthwith and passed, and ordered to the Senate.

Also, adversely to the bill—

To change the line between Coffee and Crenshaw counties.

Also, submitted the following

REPORT :

The Committee on Counties and County Boundaries, to which was referred the resolution as to the constitutionality, on account of population, of the county of Geneva, report, that they cannot determine whether or not said county has the required number of inhabitants. The Committee did not feel authorized to resort to any unpublished census, taken of the county of Geneva, under the Act of Congress authorizing the last census. They did not feel authorized to fix the ratio of representation under the census just taken by which to test the constitutionality of the county of Geneva, as the test, when applied to other counties, would make them unconstitutional, notwithstanding such counties now have representatives under the Constitution.

Your Committee are of the opinion that the General Assembly has no power under the present Constitution to abolish any county, as it is prohibited from reducing any county below an area of six hundred miles; that it would be an injury and injustice to the people within the county so abolished, and that the old counties would have a right to object to an addition of territory which has once been given away.

The report of the Committee was concurred in.

Mr. Toomer moved to reconsider the vote by which the House refused to pass the bill—

To prevent railroad companies in this State from discriminating between local and through freight.

The vote was reconsidered, and the bill passed;

Yeas 42, nays 21.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Bassett, Benson, Boyd, Bradford, Bulger, Bullock, Callaway, Crook, Curtis, Davis, Etheridge, Gaskin, Graham, Grayson of Clark, Haralson, Hitchcock, Hodo, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, Leath, McCall, McDermott, Marlowe, Miller, Moore, Payne, Powell, Raisler, Semmes, Simms, Smith of Greene, St. Clair, Toomer, Ware and Wells—42.

Those who voted nay are—

Messrs. Alley, Black, Clark, Cowan, Craig, Diggs, Doster, Dozier, Ellison, Gee, Grayson of Madison, Green, Henry, Nininger, Perrin, Rice, Speed, Strobach, Thompson, Weatherford and Wyman—21.

Message from the Senate by Mr. Whiting.

Mr. Speaker :

The Senate has originated and passed the following bills :

For the relief of the natural grand children of Stephen M. Ingersoll, sr., and for other purposes ;

To authorize the construction of a ship canal, connecting certain waters in Mobile county ;

To authorize the construction of a ship canal from a point at or near the mouth of Fowl river in Mobile Bay, to a point at or near the mouth of said river in Mississippi Sound ;

To expedite works of Internal Improvements, adapted to the manufacture and transportation of iron or cotton in the State of Alabama ;

To make claims for rent of buildings by counties having no court-house for use as a court-house, preferred claims against counties in the State ;

To make Mrs. Susan A. Cunningham a free-dealer ;

To amend section 1387 of the Revised Code of Alabama ;

To repeal section 3691 of the Revised Code of Alabama.

And has adopted a joint resolution as herewith transmitted.

And has passed a House bill—

To amend section 2961 of the Revised Code.

M. P. BLUE,
Secretary of Senate.

Bills were introduced—

By Mr. Crook—

To provide for recording deeds in certain cases.

By Mr. Toulmin—

To authorize the mayor, aldermen and common council of the city of Mobile to issue bonds in aid of the Mobile and North-Western Railroad Company.

By Mr. Hitchcock—

To make Pauline Phillips, wife of Wm. R. Phillips of Talladega county, a free-dealer.

By Mr. Bulger---

Joint resolution to pay the expenses of the committee to visit the Institution of the Deaf and Dumb and the Blind, and the Freedman's Hospital at Talladega ;

Which were severally read the first, second and third times forthwith and passed.

By Mr. Bulger---

To enforce the collection of taxes from express companies ;

Which was read the first and second times forthwith, and referred to the select committee, appointed under a resolution of the House on yesterday, relative to the same subject.

On motion of Mr. Boyd, the Senate bill—

To establish a new charter for the city of Selma, and an act amendatory thereof ;

Was taken from the table, and pending the consideration of the amendment proposed by the committee---

The hour of 12 o'clock having arrived, the Senate orders were taken up :

The bill---

To amend section 3098 of the Revised Code ;

Was read the third time and lost.

The bill---

To amend section 2339 of the Revised Code ;

Was read the third time.

On motion of Mr. Boyd, the further consideration of the bill was indefinitely postponed.

The bill---

To amend section 2358 of the Revised Code ;

Was read the third time and passed.

The bill---

For the relief of Maria Goss, and R. F. Thornton, and to extend to them certain water privileges ;

Was read the third time and referred to the Committee on Corporations.

Mr. Rice, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To amend an act entitled an act to amend an act to incorporate the Montgomery and Pickett Springs Gravel Road Company ;

To extend the powers of the Fire Department Association of Mobile ;

To authorize the commissioners court of Barbour county to pay certain fees to the sheriff of said county ;

To prevent the sale of spirituous liquors within two miles of the town of Pushmataha, in Choctaw county ;

To regulate the publication of legal notices in the counties of Blount, Talladega, Clay, Coosa and Tallapoosa ;

To amend an act to incorporate the Protestant Episcopal Church in the Diocese of Alabama, and enable said church to provide for the orphans and widows of soldiers and other destitute persons.

The Senate bill—

For the relief of P. J. Anderson, Register, and Wm. H. Dingley, Receiver, of the United States Land Office, at Montgomery, Alabama ;

Was read the third time and passed.

Yeas 41, nays 26.

Those who voted yea are—

Messrs. Speaker, Appleton, Benson, Black, Box, Callaway, Carlin, Clark, Craig, Curtis, Davis, Doster, Dozier, Etheridge, Gaskin, Gee, Green, Haralson, Hodo, Howell, Hurt, Johnson of Dallas, Kennedy, King, Leath, McCaskey, McDermott, Mancill, Marlowe, Moore, Nininger, Perrin, Powell, Speed, St. Clair, Strauss, Strobach, Thompson, Toulmin, Wells, and Williams—41.

Those who voted nay are—

Messrs. Ashurst, Boyd, Bradford, Bulger, Cochran, Cowan, Crook, Graham, Grayson of Clark, Grayson of Madison, Henry, Hitchcock, Holmes of Sumter, Johnson of Coosa, Lindsay, McCall, Payne, Rice, Simms, Smith of Greene, Taylor of Lauderdale, Toomer, Ware, Weatherford and Wyman--26.

Mr. Strobach moved to reconsider the vote by which the bill passed.

Mr. Williams moved to lay the motion on the table.

On motion of Mr. Boyd, the question of reconsideration was postponed till to-morrow, 12 o'clock, m.

The Senate bill—

To provide for the payment of fees due from the State of Alabama to the Register and Receiver of the United States Land Office, Mobile, Alabama ;

Was read the third time, and made the special order for to-morrow, 12 o'clock, m.

The Senate joint resolution—

To re-enact a bill to provide for the payment of the interest due and unpaid upon the valid claims against the State on account of the failure of the Alabama and Chattanooga Railroad Company to pay said interest ;

Was taken up, and the amendment pending when the House adjourned on yesterday, was taken up.

Mr. Powell moved to amend by adding the following :

“Provided, That the word “*valid*” used in this act shall be so construed as to mean constitutional and legal claims against the State.”

On motion of Mr. Strobach, the amendment was laid on the table ;

Yeas 38, nays 28.

Those who voted yea are---

Messrs., Alley, Black, Box, Bullock, Carlin, Clark, Cochran, Cowan, Craig, Curtis, Diggs, Doster, Dozier, Duskin, Gaskin, Gee, Grayson of Madison, Green, Haralson, Hodo, Johnson of Dallas, King, McCall, McCaskey, McDermott, Marlowe, Nininger, Smith of Greene, Speed, St. Clair, Strauss, Strobach, Taylor of Lauderdale, Thompson, Toulmin, Wells, Williams and Wyman--38.

Those who voted nay are—

Messrs. Speaker, Appleton, Ashurst, Bassett, Benson, Boyd, Bulger, Callaway, Crook, Davis, Etheridge, Henry, Hitch-

cock, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lindsay, Mancill, Moore, Payne, Powell, Raisler, Simms, Toomer, Ware and Weatherford—28.

The resolution was read the third time and adopted—yeas 58, nays 11.

Those who voted yea are—

Messrs. Speaker, Alley, Appleton, Ashurst, Bassett, Benson, Black, Box, Bradford, Bulger, Bullock, Carlin, Clark, Cochran, Cowan, Craig, Curtis, Davis, Diggs, Doster, Dozier, Gaskin, Gee, Grayson of Clarke, Grayson of Madison, Green, Hamilton, Haralson, Hitchcock, Hodo, Howell, Hurt, Johnson, of Coosa, Johnson of Dallas, King, McCall, McCaskey, McDermott, Mancill, Marlowe, Nininger, Perrin, Rice, Simms, Smith of Greene, Speed, St. Clair, Strauss, Strobach, Taylor of Lauderdale, Thompson, Toomer, Toulmin, Ware, Weatherford, Wells, Williams and Wyman---58.

Those who voted nay are—

Messrs. Boyd, Callaway, Crook, Etheridge, Henry, Leath, Lindsay, Payne, Powell, and Raisler—11.

The Senate bill—

To establish and encourage the cultivation of fish in the State of Alabama ;

Was read the first and second times forthwith.

Mr. Taylor of Lauderdale moved to amend as follows :

Provided, That it be the express understanding between the State and said commissioners, that they shall not receive any compensation for service rendered or moneys expended under this act.

Mr. Powell offered the following as a substitute :

Provided, That no expense under this act shall accrue to the State ; And provided further, That said commissioners, so appointed, shall hold their term of office for five years from date of appointment.

The bill and proposed amendments were referred to the Military Committee.

The Senate bill—

To amend section 2358 of the Revised Code of Alabama ;

Was read the first and second times forthwith, and made the special order for 12 o'clock to-morrow.

The Senate bill—

To authorize tax collectors to re-sell certain lands in cases therein specified :

Was read the first and second times, and referred to the Committee on Ways and Means.

Message from the Governor by Mr. Gindrat :

EXECUTIVE DEPARTMENT, }
 Montgomery, March 7, 1871. }

Mr. Speaker :

I am directed by his Excellency the Governor to inform you that he has approved the following bills originating in the House of Representatives :

An act for the relief of M. M. Cooke ;

An act to decrease the pay of the members of the commissioners court of the county of Choctaw ;

For the relief of the heirs of Joseph H. Stanley ;

An act to repeal an act to increase the *ex officio* pay of the sheriff of Choctaw county ;

An act to amend an act to incorporate the Montgomery and Pickett Springs gravel road.

Respectfully,

JOHN H. GINDRAT,
 Private Secretary.

The Senate bill—

For the relief of Mrs. A. E. M. James, of Madison county;

Was read the second and third times forthwith and passed.

The Senate bill—

To provide suitable monuments over the graves of the late Lieut. Governor A. J. Applegate, and the late Hon. J. F. Morton, Senator from the 9th Senatorial district ;

Was read the first and second times forthwith.

Pending the further consideration of the bill—

On motion of Mr. Haralson,

The House adjourned till to-morrow morning 10 o'clock.

WEDNESDAY, March 8, 1871.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Howell.

The journal of yesterday was read and approved.

Mr. Toulmin, by leave, withdrew the bill—

To enable the city of Mobile to aid and encourage works of internal improvement.

Mr. Lowe, from the Internal Improvement Committee, reported favorably to the bill—

To amend section 11 of an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads in the State ;

Which was read the third time forthwith and passed—yeas 48, nays 16, on the passage of the bill ; and the bill was ordered to the Senate.

Those who voted yea are—

Messrs. Speaker, Alley, Appleton, Bassett, Benson, Box, Boyd, Bulger, Carlin, Clark, Cochran, Cowan, Curtis, Diggs, Dozier, Duskin, Dustan, Etheridge, Gee, Graham, Grayson of Clarke, Grayson of Madison, Green, Haralson, Holmes of Sumter, Howell, Johnson of Dallas, Kennedy, Ling, Lindsay, Lowe, McCaskey, Miller, Moore, Nininger, Payne, Perrin, Rice, Smith of Greene, St. Clair, Strauss, Strobach, Thompson, Toulmin, Weatherford, Wells, Williams and Wyman—48.

Those who voted nay are—

Messrs. Ashurst, Bradford, Callaway, Davis, Hodo, Hurt, Johnson of Coosa, Leath, McCall, Mancill, Powell, Raisler, Simms, Taylor of Lauderdale, Toomer and Ware—16.

Mr. Hodo, from the Committee on Revision of the Laws, reported adversely to the bill—

To establish a bureau of insurance in this State.

The House refused to concur in the report.

Mr. Ashurst offered a substitute for the bill.

The substitute and bill were referred to the Committee on Revision of the Laws, with instructions to report to-morrow.

Mr. Toulmin, by leave, offered a bill—

To amend section 12, of subdivision 3, of the revenue act, approved December 31, 1868 ;

Which was read the first, second and third times, passed, and ordered to the Senate.

Mr. Toulmin, from the Judiciary Committee, reported favorably to the following bills—

Senate bill—

To authorize a subscription by the State for a digest of the Alabama Reports ;

And House bills—

To authorize judges of probate to grant bail in certain cases ;

In relation to the official bond of county officers ;

Supplemental to an act to prohibit attorneys from practi-

ing their profession in certain cases, approved February 13, 1872 ;

Which were severally ordered to a third reading.

Also, favorably to the bill—

Relating to grand jurors in certain cases ;

Which was read a third time forthwith and lost.

Also, favorably to the following bills—

To enable Elizabeth H. Tipton, of Dallas county, to sell lots and lay off streets in the city of Selma ;

To authorize N. B. Peacock, administrator *de bonis non* of the estate of Edward P. Brooks, deceased, to sell at private sale property mentioned therein belonging to said estate ;

Which were severally read a third time forthwith and passed.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has originated and passed bills as follows :

To repeal an act to incorporate the Tuskaloosa Scientific and Art Association, &c. ;

To incorporate the town of Calera, in Shelby county, Alabama ;

For the relief of James W. Coleman, of Geneva county ;

For the relief of Thomas Merriwether, of Montgomery county ;

To prohibit the sale of vinous or spirituous liquors within one half mile of Ramer Baptist Church of Barbour county ;

To authorize attorneys to withdraw notes, bills of exchange or other instruments sued on in the circuit, city or county courts ;

For the relief of Solomon & Wolf, of Pike county ;

The Senate has also passed the following House bills :

To create a new chancery district, to be composed of the county of Chambers ;

To relieve the tax collector of Pike county ;

To prohibit the assessment or collection of, or the appropriation of, the tax of Pike county for the erection of a courthouse ;

To authorize Wm. H. Parks, the administrator of John A. Howard, deceased, to sell the land of said estate at private sale without making application, proof and obtaining an order of sale, as is usually done ;

To prevent the selling of liquors within four miles of Mount Zion, New Lebanon, Providence and Fair Prospect churches, in Montgomery county ;

For the relief of the lessees of university lands, &c.;

To amend section (62) sixty-two of an act to establish revenue laws for the State;

To authorize the New Orleans, Mobile & Chattanooga Railroad Company to change the name of said corporation, and to regulate its contracts, obligations and sureties under this name ;

In relation to the Preachers' Aid Society of the Alabama Annual Conference of the Methodist Episcopal Church South ;

To relieve Mrs. A. M. Gere, of Sumter county, from the payment of excessive taxation ;

To make Mary R. Gowdy, of Sumter county, a free-dealer ;

To make claims for rent of buildings by counties for use as a court-house preferred claims against counties in this State ;

To repeal an act entitled an act to establish the Mobile Charitable Association, for the benefit of the common school fund of Mobile county, without distinction of color ;

To repeal an act entitled an act to establish a Mutual Aid Association, and to raise funds for the common school system of Alabama ;

To amend the 14th section of the charter of the Selma & Gulf Railroad Company ;

To authorize the Board for the improvement of the River and Harbor and Bay of Mobile to receive certain funds ;

To authorize the Mayor, Aldermen and Common Council of the city of Mobile to issue bonds in aid of the Mobile & North-western Railroad Company ;

To provide for the payment of the interest due and unpaid upon the valid claims against the State on account of the failure of the Alabama & Chattanooga Railroad Company to pay said interest.

The Senate has amended as therein shown and passed the House bill—

To incorporate the city of Greenville.

M. P. BLUE,
Secretary of the Senate.

Mr. Crook, from special committee, reported a substitute for the bill—

To enforce the collection of taxes from express companies.
On motion of Mr. Bulger,

The substitute was laid on the table,
 And the bill read the third time forthwith and passed.
 Od motion of Mr. Strobach, the Senate bill—
 To consolidate the fine and forfeiture fund of Dallas county
 with the general fund of said county,
 Was taken from the table;
 And the bill was ordered to a third reading on to-morrow.

Message from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has originated and passed a bill—
 To be entitled an act to establish an agricultural college in
 the State of Alabama.
 And has passed a House bill—
 For the relief of John Perry Jackson from the disabilities
 of non-age.

M. P. BLUE,
 Secretary of Senate.

The House proceeded to the consideration of the special
 order for the hour of 12 o'clock, this day ; it being the mo-
 tion to reconsider the vote by which the Senate bill—

For the relief of P. J. Anderson, Register, and William H.
 Dingley, Receiver of U. S. Land office, Montgomery, Ala-
 bama, was passed ;

Mr. Strobach moved to lay the motion to reconsider on the
 table ;

Which was carried.

The next special order being on the passage of the Senate
 bill—

To provide for payment of fees due from the State of Ala-
 bama, to Register and Receiver of United States Land office
 at Mobile, Alabama.

The bill was passed ;

Yeas 36, nays 31.

Those who voted yea are—

Messrs. Speaker, Alley, Black, Carlin, Clark, Cochran, Craig,
 Curtis, Diggs, Doster, Dozier, Duskin, Dustan, Gee, Grayson
 of Madison, Green, Haralson, Howell, Johnson of Dallas,
 King, Leath, Lowe, McDermott, Marlowe, Miller, Moore,
 Perrin, Powell, Semmes, Speed, St. Clair, Strauss, Strobach,
 Thompson, Wells and Williams—36.

Those who voted nay are—

Messrs. Ashurst, Bassett, Benson, Box, Boyd, Bulger, Bullock, Cowan, Davis, Ellison, Gaskin, Graham, Grayson of Clarke, Hamilton, Henry, Hitchcock, Hodo, Holmes of Sumter, Hurt, Johnson of Coosa, Lindsay, McCall, Payne, Rice, Semmes, Smith of Greene, Taylor of Lauderdale, Toomer, Ware, Weatherford and Wyman—31.

The next special order for this hour, being the Senate bill—

To amend section 2358 of the Revised Code of Alabama ;
The question being on ordering the bill to a third reading ;
Was carried.

Mr. Moore, from the Select Committee, reported favorably to the bill—

In relation to the Troy and Elba branch of the Vicksburg and Brunswick railroad ;.

The bill was read the third time forthwith and passed.

Mr. Smith of Greene, by leave, introduced a bill—

For the relief of Newton F. Smith, tax collector of Greene county, and the sureties on his official bond ;

Which was read the first and second times and ordered to a third reading.

The House proceeded to the consideration of the Senate bill—

To amend an act to establish a new charter for the city of Selma, and an act amendatory thereof.

The question pending, being the amendments offered by Mr. Bradford.

The amendments were adopted,

And the bill read the third time and passed.

The Senate bill—

To provide suitable monuments over the graves of the late Lieutenant-Governor, A. J. Applegate, and the late Hon. J. F. Morton, senator from the 9th senatorial district ;

Was laid on the table ;

Yeas 58, nays 15.

Those who voted yea are—

Messrs. Speaker, Appleton, Ashurst, Bassett, Benson, Box, Boyd, Bulger, Bullock, Callaway, Cochran, Cowan, Crook, Davis, Doster, Duskin, Ellison, Etheridge, Graham, Grayson of Clarke, Grayson of Madison, Hamilton, Haralson, Henry, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lindsay,

Lowe, McCall, McDermott, Mancill, Marlowe, Miller, Moore, Payne, Powell, Raisler, Rice, Simms, Smith of Greene, St. Clair, Strauss, Strobach, Taylor of Lauderdale, Thompson, Toomer, Toulmin, Ware, Weatherford, Wells and Wyman—58.

Those who voted nay are—

Messrs. Black, Carlin, Clark, Craig, Diggs, Dozier, Dustan, Gaskin, Gee, Green, Johnson of Dallas, Nininger, Perrin, Speed and Williams—15.

Message from the Governor by Mr. Gindrat :

Mr. Speaker :

I am directed by the Governor to inform you that he has approved the following acts originating in the House of Representatives :

To authorize the mayor, aldermen and common council of the city of Mobile to issue bonds in aid of the Mobile and North-Western Railroad Company ;

To regulate the publication of legal notices in the counties of Blount, Talladega, Clay, Coosa and Tallapoosa ;

To amend an act to incorporate the Protestant Episcopal Church in the diocese of Alabama, and enable said church to provide for the orphans and widows of soldiers and other destitute persons ;

To extend the powers of the Fire Department Association of Mobile ;

For the relief of John Perry Jackson, from the disabilities of non-age ;

To authorize the commissioners court of Barbour county to pay certain fees to the sheriff of said county ;

To make Mary R. Gowdy of Sumter county, a free-dealer ;

To prevent the sale of spirituous liquors within two miles of the town of Pushmataha, Choctaw county ;

To protect the planters of the State from imposition in the sale of fertilizers ;

To amend an act entitled an act to incorporate the Montgomery and Pickett Springs Gravel Road ;

To incorporate the town of Rutledge ;

To authorize the board for the improvement of the River and Harbor and Bay of Mobile to receive certain funds ;

To amend section 2961 of the Revised Code of Alabama ;

To make claims for rent of buildings by counties, for use as a court-house, preferred claims against counties in this State ;

To establish a new charter for the town of Athens in Limestone county.

Respectfully,

JOHN H. GINDRAT,
Private Secretary.

By leave, Mr. Strobach offered the following resolution :

Resolved by the House, (the Senate concurring,) That the joint resolution to adjourn *sine die* on the 9th instant, be so construed as to fix the time of adjournment at 12 o'clock m., on said day.

On motion of Mr. Boyd,

The consideration of the resolution was postponed till tomorrow, 12 o'clock, m.

Mr. Powell, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To establish a new charter for the town of Athens, in Limestone county ;

To make claims for rent of buildings by counties for use as a court-house, preferred claims against counties in this State ;

To amend section 2961 of the Revised Code ;

To authorize the board for the improvement of the river, harbor and bay of Mobile, to receive certain funds ;

To authorize Wm. H. Parks, administrator of John A. Howard, deceased, to sell the lands of said estate at private sale, without making application, proof and obtaining an order of sale as is usually done ;

To relieve the tax collector of Pike county ;

To prohibit the assessment or collection of, or the appropriation of, the tax of Pike county for the erection of a court-house ;

For the payment of the interest due and unpaid upon the valid claims against the State, on account of the failure of the Alabama and Chattanooga Railroad Company to pay said interest ;

To incorporate the town of Rutledge ;

To authorize the mayor, aldermen and common council of the city of Mobile, to issue bonds in aid of the Mobile and North-Western Railroad Company ;

For the relief of John Perry Jackson, from the disabilities of non-age;

To repeal an act entitled an act to establish a mutual aid association, and to raise funds for the common school system of Alabama;

To repeal an act entitled an act to establish the Mobile Charitable Association, for the benefit of the common school fund of Mobile county, without distinction of color:

To make Mary R. Gowdy of Sumter county, a free-dealer.

Mr. Moore, by leave, offered a joint resolution—

Relative to the annexation of West Florida to this State;

Which was referred to the Committee on Internal Improvements, with instructions to report to-morrow.

On motion of Mr. Dustan, the House took a recess till 4 o'clock this afternoon.

The hour of 4 o'clock having arrived, the House convened and proceeded to the consideration of the Senate messages.

The House concurred in the Senate amendments to the House bill—

To incorporate the city of Greenville.

The Senate bill—

To amend section 5 of an act to permanently locate the county seat of Baker county;

Was read the first and second times forthwith and passed.

The Senate bill—

For the relief of John S. Corbin;

Was read the first and second times, and referred to the Judiciary Committee.

The Senate bill—

To repeal section 479 of the Revised Code;

Was read the first and second times forthwith, and referred to the Committee on Ways and Means.

The Senate bill—

To repeal section 2 of an act to incorporate the Palmyra Female Academy, in Barbour county, approved January 11, 1860;

Was read the first and second times forthwith, and referred to the Committee on Corporations.

The Senate bills—

To authorize the appointment of a clerk in the office of Superintendent of Public Instruction for the purpose therein specified;

For the relief of Solomon E. Jordan, sheriff of Randolph county;

To prohibit the sale or giving away of spirituous, vinous or malt liquors within one and a half miles of Andrew Chapel, and Poplar Springs Church, in Coosa county ;

To authorize the Governor to subscribe to a new map of Alabama ;

For the relief of Mason Harwell and Edgar J. Lee, surviving partners of H. P. Lee & Co. ;

To authorize the Governor to endorse gold bonds under the general law endorsing for railroads, at the rate of sixteen thousand dollars per mile ;

Were severally read the first time, and ordered to a second reading.

On motion of Mr. Toomer,

The House adjourned till to-morrow morning, 10 o'clock

THURSDAY, March 9, 1871.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Appleton.

Journal of yesterday was read and approved.

On motion of Mr. McDermott, the Senate bill—

To authorize the construction of a ship canal, from a point at or near the mouth of Fowl River in Mobile Bay, to a point at or near the mouth of said river in Mississippi Sound ;

Was read the first, second and third times forthwith, and passed.

Message was received from the Senate by Mr. Whiting :

Mr. Speaker :

The Senate has originated and passed a bill :

For the relief of Lewis F. May, late tax collector of Marion county.

And has passed the following House bills :

To amend sub-division ten of section 1502 of the Revised Code :

To establish and encourage the cultivation of fish in this State ;

To create a new chancery district for the county of Olay ;

To allow Patsy Wesson of Talladega county to take possession of certain property conveyed by will of her father, John Willingham ;

For the relief of Mrs. Adele Fournier of Demopolis, Marengo county ;

For the relief of William McCray of Hale county, and John Jones of Geneva ;

To change the name of Walton L. Pierce of Pickens county;

To incorporate the town of Newbern, in the county of Hale;

Making an appropriation in aid of the Medical College of Alabama ;

To prescribe the terms on which married women may take appeals to the supreme court, and the effect of such appeals ;

To confer on Jno. T. Rather and Silas P. Rather, administrators of Edward N. Thompson, deceased, authority to compromise a suit.

And has amended, as therein shown, and passed the following House bills :

To amend an act entitled an act to incorporate the Florence Wesleyan University ;

To exempt the county of Tuscaloosa from the provisions of an act to regulate the publication of legal and other notices in the State of Alabama.

The Senate has concurred in the House amendment to the Senate bill ;

To amend an act to establish a new charter for the city of Selma, and an act amendatory thereof.

The Senate has originated and adopted a joint resolution in relation to adjournment, as herewith transmitted.

M. P. BLUE,
Secretary of the Senate.

Mr. Moore, from the select committee, reported that a majority of said committee favored the passage of the bill—

To provide for the payment of the unpaid claims of teachers accruing prior to July 15, 1868, and subsequent to December 31, 1867.

On motion of Mr. Smith of Greene,

The bill was indefinitely postponed.

On motion of Mr. Strobach, the Senate bill---

For the relief of Mason Harwell and Edgar J. Lee, surviving copartners of H. P. Lee & Co. ;

Was taken up, read the second and third times, and lost--- yeas 46, nays 15 ; the Speaker deciding that it required to be passed by a two-thirds vote of the whole House.

Those who voted yea are—

Messrs. Alley, Ashurst, Benson, Box, Boyd, Bulger, Calla-

way, Carlin, Clark, Cowan, Craig, Crook, Diggs, Dozier, Dustan, Ellison, Gaskin, Gee, Green, Hamilton, Haralson, Henry, Hodo, Holmes of Baldwin, Hurt, King, Lewis, Lowe, McCaskey, McDermott, Nininger, Payne, Powell, Rice, Semmes, Simms, Smith of Greene, Speed, St. Clair, Strobach, Thompson, Toomer, Toulmin, Ware, Williams and Wyman—46.

Those who voted nay are—

Messrs. Speaker, Bassett, Davis, Doster, Duskin, Grayson of Clark, Grayson of Madison, Hitchcock, Johnson of Coosa, Kennedy, Lindsay, McCall, Mancill, Taylor of Lauderdale, and Wells—15.

On motion of Mr. Davis,

The vote by which the bill was lost was reconsidered, and the question being again on the passage of the bill, it was lost---yeas 39, nays 16.

Those who voted yea are—

Messrs. Ashurst, Benson, Black, Boyd, Bulger, Callaway, Carlin, Craig, Curtis, Davis, Diggs, Dozier, Duskin, Dustan, Etheridge, Gee, Grayson of Clarke, Green, Hamilton, Haralson, Henry, Johnson of Coosa, Johnson of Dallas, King, McDermott, Marlowe, Moore, Payne, Powell, Simms, Speed, St. Clair, Thompson, Toomer, Ware, Weatherford, Wells, Williams and Wyman—39.

Those who voted nay are—

Messrs. Speaker, Alley, Appleton, Bassett, Bullock, Cochran, Cowan, Grayson of Madison, Hitchcock, Hodo, Hurt, Kennedy, Lewis, Lindsay, Semmes, and Taylor of Lauderdale—16.

On motion of Mr. Hamilton, the Senate bill---

For the relief of Lewis F. May, late tax collector of Marion county;

Was taken up, read the first, second and third times forthwith, and passed by a two-thirds vote of the House.

The Senate bill---

To authorize a subscription by the State for a digest of the Alabama Reports;

Was read the third time forthwith and passed.

By direction of the House, all bills passed by the House to-day were ordered forthwith to the Senate.

On motion of Mr. Toomer, the Senate bill---

For the relief of the natural grand-children of Stephen M. Ingersoll, senior, and for other purposes;

Was taken up, read the first, second and third times forthwith and passed.

On motion of Mr. Bulger,

The Senate joint resolution in relation to the appointment of a joint committee to wait upon the Governor and notify him that the two Houses desire to know if he has any further business to communicate, previous to their adjournment *sine die*,

Was adopted, and Messrs. Bulger, Henry and Toomer were appointed said committee on the part of the House.

Mr. Powell, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To amend section 12, subdivision 3, of the revenue act, approved December 31, 1868 ;

To regulate legal and other notices in the county of Sanford ;

To repeal an act entitled An act to repeal in part an act to incorporate the Mobile and Girard railroad company, approved January 21, 1865, (as it appears in pamphlet acts of General Assembly, 1865-6,) which last mentioned act was really approved on 21st January, 1846, and not on 21st January, 1865 ;

To provide for securing the payment of the interest due the State on 16th section notes ;

Joint resolution to provide for paying the expenses of the joint committee to visit the penitentiary ;

To amend section 62 of an act to establish revenue laws for the State ;

To authorize the probate of the last will and testament of John C. Judkins, deceased, who was an inhabitant of Macon county, in this State, at the time of his death, in the probate court of Montgomery county, and to authorize the execution of said will and testament in said probate court of Montgomery county ;

To amend section 11 of an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State ;

For the relief of the lessees of the University lands, &c. ;

To establish a chancery district for the county of Cleburne, in the eastern chancery division ;

To authorize Mrs. Mary Haywood to sell certain lands belonging to the estate of her husband, Henry Haywood, deceased, in Tallapoosa county ;

To incorporate the city of Greenville ;

For the relief of William McCrary, of Hale county, and John Jones, of Geneva county ;

To amend subdivision 10 of section 1502 of the Revised Code;

To exempt the counties of Tuskaloosa, Talladega and Clay, from the provisions of an act to regulate the publication of legal and other notices in the State of Alabama, approved August 12th, 1868, and from the provisions of an act to amend an act entitled an act to regulate the publication of legal and other notices in the State of Alabama, approved, October 10th, 1868;

For the relief of Mrs. Adele Fournier, of Demopolis, Marengo county;

To incorporate the town of Gadsden, in Etowah county;

To prevent the selling of liquors within four miles of Mt. Zion, New Lebanon, Providence and Fair Prospect churches;

To amend the 14th section of the charter of the Selma and Gulf railroad company;

To create a new chancery district, to be composed of the county of Chambers;

In relation to the Preachers' Aid Society of the Alabama Annual Conference of the M. E. church South;

To authorize the New Orleans, Mobile and Chattanooga railroad company to change the name of said corporation, and to regulate its contracts, obligations and securities under this name;

For the relief of William M. Russell, of Barbour county, in this State;

To make Susan B. Thomasson, of Baker county, a free dealer;

To restrain the powers of the court of county commissioners of Coffee county;

To amend section 12, subdivision 3, of the revenue act, approved December 31, 1868.

Message from the Governor by Mr. Gindrat:

Mr. Speaker :

I am directed by the Governor to inform you that he has approved the following acts, originating in the House of Representatives:

To prohibit the assessment and collection of the tax of Pike county for the erection of a court-house;

To relieve the tax collector of Pike county;

To authorize William H. Parks, the administrator of John

A. Howard, deceased, to sell the land of said estate at private sale without making application, proof and obtaining an order of sale, as is usually done ;

To provide for the payment of the interest due and unpaid upon the valid claims against the State on account of the failure of the Alabama & Chattanooga Railroad Company to pay said interest ;

To repeal an act entitled an act to establish a Mutual Aid Association, and to raise funds for the common school system of Alabama ;

To repeal an act entitled an act to establish the Mobile Charitable Association for the benefit of the common school fund of Mobile county, without distinction of color ;

To amend section 12, subdivision 3, of the revenue act, approved December 31, 1868.

Respectfully,

JOHN H. GINDRAT,
Private Secretary.

On motion of Mr. Moore, the Senate bill—

To repeal an act to incorporate the Tuskaloosa Scientific and Art Association, &c.,

Was taken up, read a first, second and third time and passed.

The Senate bill—

To make Mrs. Susan A. Cunningham a free-dealer,

Was read the first, second and third times forthwith and passed.

The bill—

For the relief of Newton F. Smith, tax collector of Greene county, and the sureties on his official bond,

Was read the third time and passed.

Mr. Wyman, from the Committee on Education, reported favorably to the Senate bill—

To authorize the court of county commissioners of Perry county to dispose of certain school funds in and for said county ;

Which was read the third time and passed.

Mr. Lowe, from the Committee on Internal Improvements, reported favorably to the joint resolution—

In relation to the cession of West Florida to the State of Alabama ;

Which was adopted.

Mr. Strauss, from the Committee on Ways and Means, reported favorably to the Senate bill—

To refund to Barbour county certain amounts of money erroneously allowed from the county tax ;

Which was read the third time and lost ;

Yeas 33, nays 10.

The Speaker decided that it took 67 votes to pass the bill.

Those who voted yea are—

Messrs. Black, Bullock, Callaway, Carlin, Clark, Cowan, Craig, Davis, Diggs, Dozier, Gaskin, Gee, Haralson, Hodo, Hurt, Johnson of Coosa, Johnson of Dallas, King, Lewis, Lowe, McCall, McCaskey, Powell, Semmes, Smith of Greene, St. Clair, Strauss, Strobach, Thompson, Toulmin, Ware, Wells, and Williams—33.

Those who voted nay are—

Messrs. Speaker, Crook, Doster, Graham, Grayson of Madison, Kennedy, Mancill, Taylor of Lauderdale, Toomer and Weatherford—10.

Mr. Toomer introduced a bill—

For the relief of F. B. Randolph ;

Which was read the first, second and third times forthwith, and passed.

Mr. Lewis, from the Committee on Corporations, reported favorably, with an amendment, to the bill—

To incorporate the town of Attalla, in Etowah county.

Amend by striking out “ March,” in section 2, and inserting “ April.”

The amendment was adopted ;

The bill read the third time and passed.

Mr. Hurt, from the Committee on Ways and Means, reported a substitute for the bill—

To change the board of equalization in this State.

The substitute was adopted ;

The bill read the third time forthwith, passed, and was ordered to the Senate without being engrossed.

Mr. Toomer, from the joint committee to wait on the Governor, and to fix the hour of adjournment, reported the following resolution :

Resolved, That the House of Representatives take a recess this day at such an hour as it may deem proper, and that it meet again at half past seven o'clock this evening, and adjourn *sine die* at 10 o'clock, p. m.

The House refused to adopt the resolution.

The hour of twelve o'clock having arrived, the resolution offered by Mr. Strobach on yesterday, relative to adjournment this day at 12 o'clock, noon,

Was taken up.

On motion of Mr. Bulger,

The resolution was laid on the table.

The House concurred in the Senate amendments to the House bills—

To exempt the counties of Tuskaloosa, Talladega and Clay, from the provisions of an act to regulate the publication of legal and other notices in the State of Alabama, approved August 12th, 1868, and from the provisions of an act to amend an act entitled an act to regulate the publication of legal and other notices in the State of Alabama, approved October 10th, 1868 ;

To amend an act to incorporate the Florence Wesleyan University, passed February 14th, 1856.

Mr. Toulmin, from the Judiciary Committee, to which was referred the resolution, with instructions to inquire into the alleged official misconduct of James Q. Smith, judge of the second judicial circuit, reported, that the Committee deemed it inexpedient and unnecessary to take any further action in the premises.

On motion of Mr. Boyd,

The report was laid on the table.

Mr. Boyd, from the committee on Revision of the Laws, reported adversely to the substitute for the bill—

To establish a Bureau of Insurance in this State.

The House refused to concur in the report.

On motion of Mr. Wyman,

The bill and substitutes were laid on the table.

On motion of Mr. Dustan,

The Senate bill—

To authorize the Governor to endorse gold bonds under the general law endorsing for railroads, at the rate of sixteen thousand dollars per mile ;

Was taken up and read the second time.

Mr. Callaway offered the following amendment to the bill :

“Provided, That any railroad which is entitled to such aid shall receive such bonds and accept the same upon condition precedent, that they will not discriminate between local and through freights, more than twenty-five per centum against local freights ; Provided further, That in the event the State

should become liable to pay the interest on any bonds issued under and in pursuance of this act, then the Governor of the State shall be authorized to cause the same to be paid in currency."

On motion of Mr. Toomer,

The vote by which the bill was tabled, was reconsidered, and the amendment was laid on the table.

Mr. Boyd offered the following amendment :

" And provided, That the Executive of this State shall not issue any bonds in aid of any railroad within the State whose officers or agents were parties to the fraudulent transactions connected with the passage of the free-booting acts passed at the last session of this General Assembly."

On motion of Mr. Toomer, the amendment was laid on the table.

Mr. Henry moved to amend by adding the following :

" Provided, That nothing in this bill shall be so construed as to conflict with existing laws."

The amendment was laid on the table.

The bill was ordered to a third reading.

Mr. Toomer offered the following resolution,

Which was adopted :

Resolved, That the thanks of this House are hereby tendered to the Speaker of the House and the other officers thereof, for the efficient and impartial manner in which they have performed the duties of their respective offices."

Mr. Grayson of Madison, moved that the House adjourn *sine die* ;

Lost.

Yeas 24, nays 33.

Those who voted yea are—

Messrs. Speaker, Alley, Appleton, Bassett, Black, Boyd, Curtis, Davis, Dozier, Ellison, Etheridge, Grayson of Clarke, Grayson of Madison, Hamilton, Haralson, Hitchcock, Hodo, Johnson of Coosa, Kennedy, Lewis, Lindsay, Simms, Taylor of Lauderdale and Wyman—24.

Those who voted nay are—

Messrs. Ashurst, Benson, Bulger, Bullock, Carlin, Cochran, Cowan, Craig, Diggs, Duskin, Dustan, Gee, Green, Henry, Hurt, Johnson of Dallas, King, McCaskey, McDermott, Marlowe, Moore, Payne, Semmes, Speed, St. Clair, Strauss, Thompson, Toomer, Toulmin, Ware, Weatherford, Wells and Williams---33.

On motion of Mr. Bulger, the House took a recess till 8 o'clock to-night.

The House met at eight o'clock.

Mr. Bulger offered the following resolution,

Which was adopted :

Resolved, That this House adjourn *sine die* at 8½ o'clock, and that the Senate be notified of this resolution.

The Senate bill—

To alter and amend the charter of the town of Decatur, in Morgan county, Alabama ;

Was read the third time forthwith and passed.

On motion of Mr. McDermott, the Senate bill—

To authorize the construction of a ship canal connecting certain waters in Mobile county ;

Was taken up and read the first and second times forthwith.

Pending the further consideration of the bill,

The following message was received from the Governor by Mr. Gindrat :

Mr. Speaker :

I am directed by the Governor to inform you that he has approved the following acts originating in the House of Representatives :

Making an appropriation in aid of the Medical College of Alabama ;

To prescribe the terms on which married women may take appeals to the supreme court, and the effect of such appeals ;

To authorize Catherine L. Hughes, administratrix of Joseph Hughes, deceased, late of Etowah county, to sell certain land at public or private sale ;

To make Susan B. Thomasson of Baker county, a free-dealer ;

To amend section (11) eleven of an act to furnish the aid and credit of the State of Alabama, for the purpose of expediting the construction of railroads within the State ;

To prohibit fishing in the Coosa river and its tributaries with nets or seines ;

To repeal an act entitled an act to repeal in part an act to incorporate the Mobile and Girard Railroad Company, approved January 21st, 1865, (as it appears in pamphlet acts of the General Assembly, 1865), which last mentioned act was really approved on 21st January, 1846, and not on 21st January, 1865) ;

To relieve Mrs. A. M. Gere of Sumter county, from the payment of excessive taxation ;

To restrain the powers of the court of county commissioners of Coffee county ;

To authorize the probate of the last will and testament of John C. Judkins, who was an inhabitant of Macon county in this State, at the time of his death, in the probate court of Montgomery county, and to authorize the execution of said will and testament in said probate court of Montgomery county ;

To regulate legal and other notices in the county of Sanford ;

To incorporate the city of Greenville ;

To create a new chancery district, to be composed of the county of Chambers ;

To prevent the selling of liquors within four miles of Mount Zion, New Lebanon, Providence and Fair Prospect churches ;

To amend the 14th section of the charter of the Selma and Gulf Railroad Company ;

To establish a chancery district for the county of Cleburne, in the eastern chancery division ;

In relation to the Preachers Aid Society of the Alabama Annual Conference of the Methodist Episcopal Church South ;

To authorize Mrs. Mary Haywood to sell certain lands belonging to the estate of her deceased husband, Henry Haywood, deceased, in Tallapoosa county ;

To amend an act to vest certain lands therein named in the heirs and widow of the estate of Isaac L. Ward, deceased, late of Cherokee county ;

For the relief of Wm. M. Russell of Barbour county in this State ;

To provide for securing the payment of the interest due the State on 16th section notes ;

To amend section sixty-two of an act to establish revenue laws for the State ;

A joint resolution to provide for the paying of the expenses of the joint committee to visit the penitentiary ;

A joint resolution, to authorize the New Orleans, Mobile and Chattanooga Railroad Company to change the name of said corporation, and to regulate its contracts, obligations and securities under this name ;

To incorporate the town of Gadsden, in Etowah county ;

For the relief of Mrs. Adele Fournier of Demopolis, Marengo county ;

To create a new chancery district for the county of Clay ;

To amend an act entitled an act to incorporate the Florence Wesleyan University, approved 14th February, 1856 ;

To allow Patsey Wesson of Talladega county to take possession of certain property conveyed by will of her father, John Willingham ;

To incorporate the town of Allenton, in the county of Wilcox ;

To establish and encourage the cultivation of Fish in this State ;

For the relief of the lessees of the University lands, &c. ;

To amend sub-division ten (10) of section 1502 of the Revised Code ;

To exempt the counties of Tuskaloosa, Talladega and Clay, from the provisions of an act to regulate the publication of legal and other notices in the State of Alabama, approved August 12th, 1868, and from the provisions of an act to amend an act entitled an act to regulate the publication of legal and other notices in the State of Alabama, approved, October 10th, 1868.

Respectfully,

JOHN H. GINDRAT,
Private Secretary.

The hour of half-past eight o'clock having arrived—

The Speaker adjourned the House *sine die*.

JOHN P. HUBBARD,
Speaker of the House of Representatives.

Attest :

ELLIS PHELAN,
Clerk of the House.

BLANK PAGE

BILLS, JOINT RESOLUTIONS, &c.,

Introduced in the House of Representatives, Session of 1870-'71.

By Mr. ALLEY—
1871.

- March 1. To consolidate the fine and forfeiture fund of Macon county with the general fund of said county. Amended and referred to the Committee on Local Legislation. Report adverse, and concurred in March 2.
- March 1. To define a day's work in mines, mills, workshops and manufacturing and mechanical shops and establishments. Referred to the Military Committee.

By Mr. APPLETON—
1870.

- Dec. 3. To amend section 97 of an act entitled "an act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to the Committee on Ways and Means. General Revenue bill reported and passed February 21, 1871.
- Dec. 5. For the relief of John Griffin and Mary E. Griffin, from the disabilities of minority. Referred to the Committee on Local Legislation. Report adverse, and concurred in February 13, 1871.
- Dec. 5. To authorize and empower William Griffin, administrator of the estate of Henry Griffin, deceased, formerly of DeKalb county, to sell the land, together with the widow's dower, belonging to said estate, at public or private sale, without an order from court. Referred to the Committee on Local Legislation. Recommitted to the Judiciary Committee January 27, 1871.

By Mr. APPLETON—Continued.

1871.

- Jan. 19. To authorize M. C. Newman of DeKalb county, to erect a dam across Van Buren Creek, in said county, for certain purposes specified. Referred to the Committee on Local Legislation. Report adverse, and concurred in January 30.
- Jan. 19. To prohibit the sale of spirituous or vinous liquors within one and one-fourth of a mile of the town Porterville, DeKalb county, Alabama. Referred to the Committee on Corporations. Report favorable, and bill passed February 25.
- Jan. 28. To authorize the commissioners court of DeKalb county to levy a special tax on the tax payers of said county for a certain purpose. Referred to the Committee on Local Legislation. Report favorable, and bill passed February 13.
- Jan. 28. (With petition) To prohibit the sale of spirituous liquors within two miles of Brandon Station, on the Alabama and Chattanooga railroad. Referred to the Committee on Corporations. Report favorable, and bill passed February 27.
- Jan. 28. (With petition) For the relief of Lafayette F. Reed of Etowah county. Referred to the Committee on Counties and County Boundaries. Report favorable, and bill passed February 4.
- Jan. 28. To change and establish the line between the counties of Cherokee and DeKalb. Referred to the Committee on Counties and County Boundaries.
- Feb. 4. (With petition) To authorize an election to be held in the county of DeKalb, for the permanent location of the county seat of said county. Referred to the Committee on Local Legislation. Report favorable, and bill passed February 24.
- Feb. 5. Joint resolutions to retain the old line between the counties of Jackson and DeKalb. Referred to the Committee on Counties and County Boundaries.
- Feb. 17. To provide for securing the payment of the interest due the State on the 16th section notes. Referred to the Committee on Education. Report favorable, with amendment, and bill passed February 28.

By Mr. APPLETON—Continued.

Feb. 24. To authorize N. S. Davenport and David H. Spring, administrators of R. R. Davenport, and James Long, administrator of the estate of Alfred Long, to divide and make title to certain lands described in the bill. Referred to the Judiciary Committee.

By Mr. ASHURST—

1870.

Dec. 3. To protect the people of Alabama from imposition by insurance companies and their agents. Referred to the Committee on Corporations. Report adverse, and concurred in December 14.

Dec. 13. To declare certain parties therein mentioned, free-dealers. Referred to the Committee on Local Legislation.

1871.

Feb. 7. To authorize Mrs. Mary Heywood to sell certain lands belonging to the estate of her husband, Henry Heywood, deceased, of Tallapoosa county. Referred to the Committee on Local Legislation. Report favorable, with amendment, and bill passed February 21.

Feb. 17. To establish a bureau of insurance in this State. Referred to the Committee on Revision of the Laws. Report adverse, and bill recommitted March 8. Report adverse, but not concurred in, and bill tabled March 9.

Feb. 28. (Reported) To establish and encourage the cultivation of fish in this State. Laid on the table. Taken from the table, amended, and passed March 1. Reconsidered, amended, and ordered to a third reading March 1. Passed March 6.

March 6. Joint resolutions to provide for paying the expenses of the joint committee to visit the Penitentiary. Passed forthwith.

By Mr. BASSETT—

1871.

March 1. To authorize the court of county commissioners of Washington county, to levy a special tax for building and repairing bridges in said county. Passed forthwith.

By Mr. BENSON—

1870.

- Dec. 14. For the relief of the lessees of University lands, their heirs and assigns. Referred to the Committee on Education. Substitute reported and passed February 27, 1871.
- Dec. 14. To authorize the issuance of bonds by the Tallassee Manufacturing Company No. 1. Ordered to a second reading. Laid on the table, January 27, 1871.
- Dec. 14. To exempt Edwin Fay from the payment of taxes for the year 1870. Laid on the table.

1871.

- Jan. 28. (With a petition), To authorize Jane Macon of Elmore county, to sell the land belonging to her deceased husband's estate. Referred to the Judiciary Committee.
- Feb. 17. For the compensation of the sale of her late husband's land by Ann M. Sassnett of Elmore county. Referred to the Judiciary Committee.
- Feb. 17. For the relief of R. C. Benson, late superintendent of public schools in the county of Elmore. Referred to the Committee on Education.

By Mr. BLACK—

1870.

- Dec. 1. To authorize and empower Henry C. Copeland, a minor of Barbour county, to settle with his guardian. Ordered to a second reading. Referred to the Committee on Local Legislation, December 2. Recommitted to Judiciary Committee December 14. Report favorable, and bill passed February 9, 1871.
- Dec. 3. To repeal an act to change the line between the counties of Russell and Barbour. Referred to the Committee on Counties and County Boundaries.
- Dec. 5. To incorporate the Eufaula Hook and Ladder Company. Referred to the Committee on Corporations. Report favorable, and the bill passed December 14.

By Mr. BLACK—Continued.

- Dec. 8. To repeal an act entitled "An act to incorporate the Tuskaloosa Scientific and Art Association for the encouragement of science and art, and to establish a Scientific Museum. Referred to the Judiciary Committee. Report adverse, February 7, 1871.
- Dec. 15. For the relief of Fannie J. Porter, of Geneva county. Referred to the Committee on Local Legislation. Report adverse, and concurred in, February 13, 1871.
- 1871.
- Jan. 19. For the relief of James Clark and Charles H. Laney of Barbour county. Referred to the Committee on Local Legislation. Report adverse, and concurred in February 13.
- Feb. 2. To establish a new charter for the city of Eufaula. Referred to the Committee on Corporations.
- Feb. 17. For the relief of William M. Russell of Barbour county, in this State. Referred to the Committee on Local Legislation. Report favorable, and bill passed February 24.
- Feb. 24. To repeal an act entitled "An act to regulate the publication of legal and other notices in the State of Alabama," approved August 12, 1868, and also an act to amend an act entitled "An act to regulate the publication of legal and other notices in the State of Alabama," approved October 10, 1868, so far as the same relates to the county of Barbour. Passed forthwith.
- Feb. 24. To authorize the Commissioners' Court of the county of Barbour to pay certain fees to the sheriff of said county. Passed forthwith.
- March 6. Joint Resolution in favor of the passage of an act by Congress to allow railroad companies the right of way through any State in the Union. Laid on the table.

By Mr. BOYD—

- Nov. 25. To amend section 3733 of the Revised Code of Alabama. Ordered to a second reading. Referred to the Judiciary Committee November 30. Substitute reported and passed Dec. 14.

By Mr. BOYD—Continued.

Nov. 25. To provide for the pay of the officers and members of the present General Assembly. Ordered to a second reading. Referred to Committee on Ways and Means November 30. Report adverse, and concurred in, December 9.

Nov. 26. To repeal an act to enable certain officers to collect their fees, approved December 31, 1868. Ordered to a second reading. Referred to Committee on Fees and Salaries December 1. Report favorable, and bill passed, January 23, 1871.

Dec. 3. For the relief of William McPhillips, of Marshall county. Passed forthwith.

1871.

Jan. 20. (With petition,) To restrain and prohibit the collection of certain taxes in the county of Marshall. Referred to the Judiciary Committee.

Feb. 1. To amend section 8 of an act entitled An act to regulate elections in this State, approved October 8, 1868. Referred to the Judiciary Committee.

To make Louisa Smallwood and Mahulda Jane Whisenant free dealers. Referred to the Committee on Local Legislation. Report adverse, and concurred in, February 13.

To relieve Albert G. Durand, a minor, of Marshall county, from the disabilities of non-age. Referred to the Committee on Local Legislation. Report adverse, and concurred in, February 13.

To change and alter the boundary between the counties of Marshall and Blount. Referred to the Committee on Counties and County Boundaries. Report favorable and bill passed, March 7.

To authorize Rutus B. Rhea to erect a dam across Big Wills creek, in Etowah county. Referred to a select committee. Report favorable, and bill passed, February 2.

To change the county line between the counties of Jefferson and Shelby. Referred to a select committee. Substitute reported and passed February 8.

By Mr. BOYD—Continued.

Feb. 1. To require annual statements to be published be all fire and life insurance companies doing business in this State. Referred to the Committee on Ways and Means.

For the relief of James Hale, (colored,) of Marshall county. Passed forthwith.

Feb. 8. To dissolve the bonds of matrimony between William P. Wharton and Ann E. Wharton, of Etowah county. Referred to a select committee.

Feb. 17. To amend an act entitled An act relating to the place of meeting of the stockholders of the Alabama and Chattanooga railroad company. Referred to the Committee on Internal Improvements.

March 1. To authorize trading boats on the Tennessee river to pay the same tax as merchants pay. Passed forthwith.

By Mr. BOX—

Dec. 1. To amend section 2645 of the Revised Code of Alabama. Ordered to a second reading. Referred to Judiciary Committee December 2. Report favorable and bill passed January 24, 1871.

Dec. 2. To amend section 873 of the Revised Code of Alabama. Referred to the Judiciary Committee. Report adverse, and concurred in December 14.

Dec. 3. To amend section 13 of an act entitled "An act for the government of the Bureau of Industrial Resources," approved August 12, 1868. Ordered to a second reading. Referred to the Committee on Industrial Resources January 27, 1871.

Dec. 13. For the relief of Burrell T. Pope, deceased, late judge of the twelfth judicial circuit of the State of Alabama. Referred to the Judiciary Committee. Report favorable, and bill passed February 6, 1871.

Dec. 13. To relieve Susan Bradford, of St. Clair county, from the disabilities of minority. Referred to the Committee on Local Legislation. Report adverse, and concurred in February 13, 1871.

By Mr. BOX—Continued.

1871.

- Jan. 23. To authorize executors and administrators of insolvent estates to sell claims due such estates. Referred to the Judiciary Committee.
- Jan. 23. To prohibit the sale or otherwise disposing of spirituous, vinous or malt liquors within one mile of the court-house in the town of Ashville, in the county of St. Clair. Passed forthwith.
- Feb. 2. Authorizing chancery courts to afford relief in certain cases. Referred to the Committee on Judiciary.
- Feb. 2. To regulate the trial of actions in the courts of this State. Referred to the Committee on the Revision of the Laws.
- Feb. 2. (With petition) For the relief of Joseph McLaughlin, of St. Clair county. Referred to the Committee on Local Legislation. Recommended to the Committee on Ways and Means.
- Feb. 2. (With petition) To prohibit the sale of spirituous, vinous or malt liquors in less quantities than one gallon within one mile of Branchville school-house, situated in the village of Branchville. Referred to the Committee on Ways and Means. Report favorable, and bill passed February 27.
- Feb. 2. To prohibit the sale of spirituous liquors within one mile of Springville Academy, situated in the town of Springville, in the county of St. Clair. Referred to the Committee on Ways and Means. Report adverse, and concurred in February 27.
- Feb. 2. To require the sheriffs of this State to convey indigent insane persons to the Insane Hospital at Tuskaloosa, on the order of the probate judge, and to provide for the pay of the sheriffs for such services. Referred to the joint committee on the Insane Asylum. Report adverse, and concurred in February 8.

By Mr. BRADFORD—
1870.

Dec. 10. To repeal and amend an act entitled An act to amend and repeal subdivision 10 of section 750 of the Revised Code of Alabama. Passed forthwith.

Dec. 13. To allow Arthur T. Wood, of Talladega county, to act as if he had attained his majority. Referred to the Committee on Local Legislation. Report adverse and concurred in, February 13.

Dec. 15. To define and punish the crime of malversation in the office of circuit judge. Referred to the Judiciary Committee.

To define and punish embezzlement by sheriffs. Referred to the Judiciary Committee. Report favorable and bill passed, February 9.

To punish wilful trespasses on land. Referred to the Judiciary Committee. Report favorable and bill passed, February 9.

Dec. 23. (Reported,) To provide for the support of the Freedman's Hospital, located at Talladega, Alabama. Referred to the Committee on Ways and Means. Report favorable and bill passed, January 30.

Jan. 23. To amend section 27 of an act entitled An act to establish a new charter for the city of Talladega, and to repeal all laws in contravention thereto, approved March 1, 1870. Referred to the Committee on Corporations. Report favorable and bill passed, February 17.

To prevent prosecution of persons who may have testified before the House Committee of Inquiry into liability of the State on account of railroad bonds. Referred to the Committee on Revision of the Laws. Report favorable, February 4.

To punish officers for approving official bonds insufficiently secured. Referred to the Judiciary Committee.

By Mr. BULGER—

1870.

Nov. 25. For the securing of agricultural laborers in their wages. Ordered to a second reading. Referred to the Judiciary Committee November 30. Report favorable, and bill passed, December 10.

Dec. 2. For the relief of William P. Hutchinson and John T. Johnson, minors, of Tallapoosa county. Referred to the Committee on Local Legislation. Report adverse, and concurred in, February 13, 1871.

Dec. 2. For the relief of Martha Jane Hunter, of Tallapoosa county. Referred to the Committee on Local Legislation. Report adverse, and concurred in, February 13, 1871.

Dec. 2. To define the homestead law of Alabama. Referred to the Judiciary Committee.

Dec. 12. Joint resolution for extending the session longer than thirty days. Adopted.

Dec. 13. To prohibit the sale of spirituous or vinous liquors within three miles of Hillabee camp ground, in Tallapoosa county. Passed forthwith.

Dec. 13. To repeal an act entitled An act to amend sections 4377 and 4390 of the Revised Code of Alabama. Referred to the Judiciary Committee. Report favorable, and bill passed, February 6, 1871.

Dec. 13. To repeal an act entitled An act to define the powers of justices of the peace in the counties of Dallas, Pickens, and other counties, approved February 23, 1866. Referred to the Judiciary Committee. Report favorable, and bill passed, February 8, 1871.

Dec. 13. To authorize Eldred M. Barnes, of Tallapoosa county, to practice law in the courts of this State. Referred to the Judiciary Committee.

Dec. 13. For the relief of Sarah E. Mitchell, wife of Wilson L. Mitchell, of Tallapoosa county. Referred to the Committee on Local Legislation. Report adverse, and concurred in, February 13, 1871.

By Mr. BULGER—Continued.

Dcc. 13. To prohibit the sale of spirituous or vinous liquors at or within one half mile of Andrew Chapel Lodge, in Tallapoosa county. Referred to the Committee on Local Legislation. Report favorable, and bill passed, February 13, 1871.

1871.

Jan. 19. For the relief of delinquent tax-payers. Passed forthwith.

Jan. 23. For the relief of Ida Waddell, of Tallapoosa county. Referred to the Committee on Local Legislation. Report favorable, and bill passed, February 13.

Jan. 23. For the relief of Joel Ashley Stowe, of Tallapoosa county. Referred to the Committee on Local Legislation. Report adverse, and concurred in, February 13.

Jan. 23. For the relief of William O. Towndes, of Tallapoosa county. Referred to the Committee on Local Legislation. Recommitted to Committee on Ways and Means, January 30. Report favorable, and bill passed, February 27.

Jan. 23. For the relief of Joseph Bell, of Montgomery county. Referred to the Committee on Local Legislation. Report adverse, and concurred in, February 13.

Jan. 23. To incorporate the town of Dadeville, in Tallapoosa county. Referred to the Committee on Corporations. Report favorable, and bill passed, February 2.

Jan. 23. To regulate the manner of holding the circuit courts in this State. Referred to the Judiciary Committee.

Feb. 2. To exempt from jury duty certain classes of persons therein named. Referred to the Committee on Revision of the Laws.

Feb. 2. To incorporate the town of LaFayette, in the county of Chambers. Passed forthwith.

Feb. 7. For the relief of Calvin J. Edwards, of Tallapoosa county. Passed forthwith.

Feb. 7. To amend section 2196 of the Revised Code of Alabama. Referred to the Committee on Revision of the Laws.

- Feb. 17. For the relief of R. W. Donaldson, of Montgomery county. Referred to the Committee on Ways and Means.
- Feb. 24. (Reported) Joint resolutions in relation to the sale of swamp lands. Passed forthwith.
- Feb. 28. Joint resolution to provide for the distribution and sale of Smith's Condensed Alabama Reports. Adopted.
- March 1. Supplemental to an act to prohibit attorneys from practising their profession in certain cases, approved February 13, 1871. Referred to the Judiciary Committee. Report favorable, and bill ordered to a third reading, March 8.
- March 6. To establish a Medical Board in Tallapoosa county. Passed forthwith.
- March 7. To enforce the collection of taxes from express companies. Referred to a select committee. Substitute reported, not adopted, and bill passed, March 8.

By Mr. BULLOCK—
1870.

- Nov 26. To repeal an act entitled an act to appoint counsel in certain cases. Ordered to a third reading. Report favorable, and bill passed December 14.
- Nov. 26. To repeal an act entitled "An act to regulate the publication of legal and other notices in the State of Alabama. Ordered to a second reading. Referred to the Judiciary Committee November 30. Report adverse, and concurred in December 14.
- Nov. 26. To repeal an act entitled "An act to amend an act entitled an act to regulate the publication of legal and other notices in the State of Alabama," approved October 10, 1868. Ordered to a second reading. Referred to the Judiciary Committee November 30. Report adverse, and concurred in January 24, 1871.
- Nov. 20. To make Bettie W. Barger, of Greene county, a free-dealer. Referred to the Committee on Local Legislation. Report adverse, and concurred in February 13, 1871.

By Mr. BULLOCK--Continued.

Dec. 9. To regulate the enclosure of stock in Greene county. Referred to the Judiciary Committee. Substitute reported and bill passed February 2, 1871.

1871.

Jan. 19. To grant additional power to the Selma, Marion & Memphis Railroad Company. Referred to the Committee on Internal Improvements. Report adverse, but bill recommitted Jan. 30.

Jan. 30. To relieve William Watson McAlpine and William N. McIntosh from the disabilities of non-age. Referred to the Committee on Local Legislation. Report adverse, and concurred in February 13.

Jan. 30. To amend section 2347 of the Revised Code of Alabama. Referred to the Committee on Fees and Salaries. Report favorable, and bill passed March 2.

Jan. 30. To protect employers in advances made to agricultural laborers and employees. Referred to the Committee on Agriculture and Commerce.

Jan. 21. To amend section 2082 of the Revised Code of Alabama, and to regulate the proceeding as to sale of lands belonging to insolvent estates. Referred to the Committee on Revision of the Laws.

Feb. 17. To amend sections 2961, 2962 and 2963 of the Revised Code of Alabama. Referred to the Committee on Revision of the Laws.

Feb. 17. For the relief of William B. Judge, of the county of Hale. Referred to the Committee on Ways and Means.

Feb. 24. To protect property after it has been levied on by the sheriff or qualified officer. Referred to the Committee on the Revision of the Laws.

By Mr. CALLAWAY—

1870.

Nov. 23. To amend section 1282 of the Revised Code of Alabama. Ordered to a second reading. Referred to the Judiciary Committee November 30. Report adverse, and concurred in December 14.

By Mr. CALLAWAY—Continued.

Dec. 9. Requiring the county treasurer of Crenshaw county to refund certain moneys collected by him in 1869, from persons improperly denominated tobacconists. Substitute offered, and bill and substitute referred to a Select Committee. Substitute reported and adopted December 13.

Dec. 9. To regulate the chancery courts in the 3d chancery division of this State. Referred to the Judiciary Committee. Substitute reported, and passed February 15, 1871.

Dec. 9. To make James H. Veasy a citizen of Crenshaw county. Referred to the Committee on Counties and County Boundaries. Substitute reported, and bill passed March 7.

1871.

Jan. 19. To incorporate the town of Rutledge. Referred to the Committee on Corporations. Report favorable, and bill passed January 30.

Jan. 28. To prevent the sale of spirituous liquors within one mile of Salem Methodist Church, and Good Hope Baptist, near the county line, between Covington and Crenshaw. Referred to the Committee on Corporations. Report favorable, and bill passed Feb. 27.

By Mr. CARLIN—

1870.

Nov. 25. To incorporate the Eagle Hook and Ladder Company No. 1, of the city of Demopolis. Ordered to a second reading. Referred to the Judiciary Committee, November 30. Recommitted to the Committee on Corporations, December 10. Report favorable, and bill passed December 14.

Dec. 1. To consolidate the fund of fines and forfeitures, and the genrral fund of the county of Marengo. Ordered to a second reading. Referred to the Committee on Fees and Salaries, December 30. Report favorable, and bill passed February 2.

1871.

Feb, 24. For the relief of Mrs. P. G. Jackson, of Marengo county. Laid on the table.

By Mr. CARLIN—Continued.

Mar. 1. To amend section 2 of an act entitled An act to permanently locate the court-house of Marengo county. Referred to the Judiciary Committee.

By Mr. CARMICHAEL—

1870.

Nov. 25. To repeal an act entitled "An act to suppress murder, lynching and assaults and battery. Ordered to a second reading. Referred to the Judiciary Committee, November 30. Substitute reported December 10. Amended, and passed December 14.

Nov. 25. To repeal an act entitled "An act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, in so far as the same relates to the county of Dale. Ordered to a second reading. Referred to Judiciary Committee November 30. Report favorable, and bill passed December 14.

Nov. 26. To repeal an act entitled "An act to amend an act entitled 'An act to incorporate Sepulgah Manufacturing Company of Conecuh county,'" approved December 31, 1863. Ordered to a second reading. Referred to Committee on Local Legislation November 30. Recommited to Judiciary Committee December 14. Report favorable, and bill passed Feb. 9, 1871.

Nov. 26. To repeal sections 2 and 3 of an act entitled "An act for the suppression of secret organizations of men disguising themselves for the purpose committing crimes and outrages, approved December 26, 1868. Ordered to a second reading. Referred to Judiciary Committee November 30. Report adverse, and concurred December 14.

Nov. 26. To legalize the court-house of the county of Dale. Ordered to a second reading. Referred to Committee on Local Legislation November 30. Report favorable, and bill passed December 14.

By Mr. CARMICHAEL—Continued.

- Dec. 1. To create a new chancery district out of the counties of Dale and Geneva. Ordered to a second reading. Referred to Judiciary Committee December 2. Report adverse, but not concurred in, and bill passed January 24, 1871.
- Dec. 2. To repeal an act entitled "An act for the government of the bureau of Industrial Resources," approved August 12, 1868. Referred to the Judiciary Committee. Report favorable, and bill passed January 24, 1871.
- Dec. 3. For the relief of the poor of Dale county. Referred to the Committee on Local Legislation. Report favorable, and bill passed December 14.
- Dec. 9. Authorizing W. B. Patterson, administrator of the estate of John G. Stokes, deceased, to sell a certain house and lot in the town of Clifton, Dale county, belonging to said estate. Referred to the Committee on Local Legislation. Report favorable, with amendment, and bill passed February 13, 1871.
- Dec. 9. Requiring the justices of the peace of Geneva county to act as apportioners and supervisors of public roads in their respective beats. Referred to the Committee on Roads and Public Highways. Report favorable, with amendments, and the bill passed February 4.
- Dec. 14. To preserve order at the China Grove Camp-ground in Dale county. Referred to the Committee on Local Legislation. Report favorable, and bill passed February 13, 1871.
- Dec. 14. To change the boundary line between the counties of Coffee and Dale, so as to make Daniel M. Bruener, a citizen of the county of Dale. Referred to the Committee on Counties and County Boundaries.

1871.

- Jan. 19. To prescribe the manner of conferring the rights, powers, privileges and immunities of a *fecmme sole* upon married women. Referred to the Judiciary Committee.

By Mr. CARMICHAEL—Continued.

- Jan. 19. To amend and repeal section 1 of an act to fix the time of holding the circuit courts in the 8th judicial circuit, approved February 3, 1870. Amended, and referred to a Select Committee. Report favorable, and bill amended, and passed January 23d.
- Jan. 19. To amend section 675 of the Revised Code of Alabama. Referred to the Committee on Fees and Salaries. Report adverse, and concurred in February 2.
- Jan. 28. A petition for the incorporation of the town of Newton. Referred to the Committee on Corporations.
- Jan. 28. To amend and repeal section 11 of an act entitled "An act to furnish the aid and credit of the State of Alabama, for the purpose of expediting the construction of railroads within the State," approved February 21, 1870. Referred to the Committee on Internal Improvements. Report favorable, and bill laid on the table March 2.
- Feb. 8. To prohibit the sale of spirituous or intoxicating liquors of any kind within two miles in any direction of Clopton Academy, in the county of Dale. Passed forthwith.
- Feb. 17. To create a new chancery district out of the county of Dale. Passed forthwith.
- Feb. 20. Joint resolutions to provide for the payment of the interest on certain bonds therein named. Read first time, and made special order and printed.

By Mr. CLARK—

1871.

- Jan. 27. To allow the sheriff of Barbour county to collect his fees for conveying prisoners upon an order of the circuit court of said county, and upon an order of the city court of Eufaula, transferring prisoners to and from Clayton and Eufaula, in said county. Referred to the Committee on Fees and Salaries. Report adverse, and concurred in February 2.

By Mr. CLEMENTS—

1870.

- March 30. To authorize the court of county commissioners to have made certified copies of field notes. Ordered to a second reading. Withdrawn December 2.
- March 30. To increase the pay of grand and petit jurors. Ordered to a second reading. Referred to the Committee on Fees and Salaries December 2. Report favorable, and bill passed December 14.
- Dec. 2. For the relief of William Snider of Tuscaloosa county. Referred to the Committee on Local Legislation. Recommitted to Judiciary Committee January 27.
- Dec. 5. To incorporate the town of North Port, in the county of Tuscaloosa. Referred to the Committee on Corporations. Report favorable, and bill passed December 14.
- Dec. 5. (With petition) To prevent the sale of spirituous liquors within two and a half miles of New Lexington, in Tuscaloosa county. Referred to the Committee on Corporations, Recommitted to the Committee on Local Legislation December 14. Report adverse, and concurred in February 13, 1871.

1871.

- Jan. 23. For the relief of Mrs. Ann S. Prince from unjust taxation. Referred to the Committee on Ways and Means. Report favorable, February 18.
- Jan. 23. To amend sub-division 9 of section 112 of an act entitled "an act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to the Committee on Ways and Means. General Revenue bill reported and passed February 21.
- Jan. 23. To authorize Charles M. Foster, administrator *de bonis non* of Edmund Price, deceased, to make title to certain lands. Passed forthwith.
- Jan. 31. To fix the time of holding the circuit courts in the third judicial circuit of Alabama, and to repeal the third paragraph of section 750 of the Revised Code of Alabama. Referred to the Judiciary Committee.

By Mr. CLEMENTS—Continued.

- Feb. 2. To amend section 3230 of the Revised Code of Alabama. Referred to Judiciary Committee.
- Feb. 2. For the relief of W. F. Taylor of Tuskaloosa county. Referred to the Committee on Local Legislation. Recommitted to Judiciary Committee February 13.
- Feb. 2. To enable Isabella Lynch, administratrix with the will annexed, of the estate of Augustin Lynch, late of Tuskaloosa county, to sell at private sale the personal property belonging to said estate. Passed forthwith.
- Feb. 4. To make Mrs. Marcilla F. Tarver of Tuskaloosa county, a free-dealer. Referred to the Committee on Local Legislation. Report favorable, and bill passed February 13.
- Feb. 17. To authorize the court of county commissioners of the county of Tuskaloosa, to erect and build or aid in erecting and building a bridge across the Black Warrior river, opposite the city of Tuskaloosa. Referred to the Committee on Corporations.
- Feb. 17. To amend section 2340 of the Revised Code of Alabama. Referred to the Committee on the Revision of the Laws.
- Feb. 17. To regulate the enclosure of stock in certain portions of Tuskaloosa county. Referred to the Committee on Agriculture and Commerce.
- Feb. 21. To prevent the selling of liquors within two miles of Kennedale Cotton Mills, in Tuskaloosa county. Passed forthwith.

By Mr. COCHRAN—

1870.

- Dec. 15. To repeal an act entitled "an act to enable certain officers to collect their fees." Referred to the Judiciary Committee. Report favorable, and bill passed January 23, 1871.

1871.

- Jan. 19. (With a petition) To restrain, regulate or prohibit the business or practice of drumming in the city of Selma. Referred to the Military Committee. Report favorable, and bill passed February 17.

By Mr. COCHRAN—Continued.

- Jan. 28. To regulate appeals from the mayor's court of the city of Selma. Referred to the Judiciary Committee.
- Jan. 28. To carry into effect section 5 of article 13 of the constitution of Alabama, and provide modes of proceeding for the same. Referred to the Committee on Corporations. Report favorable, and bill passed February 27.
- Jan. 28. To improve and develop the system of internal improvements in the State of Alabama. Referred to the Committee on Internal Improvements. Report favorable, and bill ordered to be printed March 2.
- Jan. 28. To enable hotel keepers to furnish liquors and wines to their guests and visitors. Amended, and referred to the Military Committee.
- Jan. 28. Requiring the tax assessor and collector of Dallas county, to reside at the county site. Laid on the table.
- Feb. 4. (With petition) For the payment of attorneys in certain cases. Referred to the Judiciary Committee.
- Feb. 17. To amend section 3101 of the Revised Code of Alabama. Referred to the Judiciary Committee.

By Mr. COWAN—

1870.

- Dec. 5. To authorize the county treasurer of Jackson county to pay the guards for prisoners of said county. Referred to the Committee on Local Legislation. Report favorable, and bill passed December 14.
- Dec. 13. To amend section 2 of an act entitled "an act for the relief of Lawson C. Coulson, late probate judge, of Jackson county, and his sureties." Passed forthwith.
- Dec. 15. To repeal sub-divisions 18 and 19 of an act entitled "an act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to the Committee on Ways and Means. General revenue bill reported and passed February 21, 1871.

By Mr. COWAN—Continued.

- Dec. 15. To repeal sub-division 7 of section 112 of an act entitled "an act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to the Committee on Ways and Means. General revenue bill reported and passed February 21, 1871.
- Feb. 4. To authorize Martin Walker to erect a mill dam across Paint Rock river, in Jackson county. Referred to the Committee on Local Legislation. Report favorable, and bill passed February 13.
- Feb. 17. For the relief of Hiram Gibson of Jackson county. Referred to the Committee on Local Legislation. Report favorable, and bill passed February 24.
- Feb. 20. To amend section 1 of "an act to incorporate the Marshall and Jackson Counties Railroad Companies," approved February 5, 1858. Passed forthwith.
- Feb. 24. To compel sheriffs to execute criminal process. Referred to the Judiciary Committee.

By Mr. CROOK—
1870.

- Dec. 1. Petition. Referred to the Committee on County Boundaries.
- Dec. 3. To protect the planters of this State from imposition in the sale of fertilizers. Referred to the Committee on Agriculture and Commerce. Report favorable, with amendments, January 30, 1871. Bill passed February 5.
- Dec. 8. To amend section 2761 of the Revised Code of Alabama. Referred to the Judiciary Committee.
- Dec. 13. Amend section 1827 of the Revised Code of Alabama. Referred to the Judiciary Committee. Substitute reported February 9, 1871.
- Dec. 13. To amend section 1831 of the Revised Code of Alabama. Referred to the Judiciary Committee. Substitute reported February 9, 1871.

By Mr. CROOK—Continued.

Dec. 13. To amend paragraph 22 of section 112 of an act entitled "an act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to the Committee on Ways and Means. General revenue bill reported, and passed February 21, 1871.

1871.

Jan. 19. To amend sub division 10 of section 112 of an act entitled "an act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to the Committee on Ways and Means. General revenue bill reported and passed February 21.

Jan. 27. To repeal section 2661, and to amend sections 2660, 2662 and 2664, (chapter 9, title 1, part 3), and section 2772, (chapter 14, title 1, part 3), of the Revised Code. Referred to the Judiciary Committee.

Jan. 27. To legalize the marriage ceremony between J. P. Allsop and Amanda J. Pike of Calhoun county. Referred to the Judiciary Committee.

Jan. 27. To amend section 10 of an act entitled "an act to provide for the registration of electors," approved October 5, 1868. Referred to the Judiciary committee.

Jan. 27. To make Clarinda Alexander, wife of T. J. Alexander, of Calhoun county, a free dealer. Referred to the Committee on Local Legislation. Report adverse and concurred in February 13.

Jan. 27. To make Charlotte Thompson Rogers, of Montgomery county, a free dealer. Referred to the Committee on Local Legislation. Report adverse, and concurred in February 12.

Jan. 27. To amend section 2408 of the Revised Code of Alabama. Referred to the Committee on Revision of the Laws.

Jan. 27. Explanatory of section 4343 of the Revised Code of Alabama. Referred to the Committee on Revision of the Laws.

Jan. 28. To raise revenue for State and county purposes. Referred to the Committee on Ways and Means.

By Mr. CROOK—Continued.

- Jan. 31. To authorize Robert Frazier to make conveyance of certain lands in Jackson county. Referred to the Judiciary Committee.
- Feb. 2. To protect keepers, owners and proprietors of livery stables. Referred to the Committee on Judiciary. Report favorable, with amendment, and bill passed.
- Feb. 2. To amend section 3695 of the Revised Code of Alabama. Referred to the Committee on Judiciary.
- Feb. 25. To authorize the commissioners court of Etowah county to issue the bonds of said county and to levy a tax for the payment of the interest thereon and the expenses of issuing the same, and to pay the principal when due. Passed forthwith.
- March 7. To provide for recording deeds in certain cases. Passed forthwith.

By Mr. CURTIS—
1870.

- Nov. 25. To remove the disabilities of non-age from Eliza L. Wallace, of Perry county. Read three times forthwith and lost.

1871.

- Jan. 23. To amend section 4247 of the Revised Code of Alabama in respect to the qualification of bail. Referred to the Committee on the Revision of the Laws. Report adverse, and concurred in February 4.
- Jan. 23. To require certain county officers to pay into the county treasuries of their respective counties all costs other than such as they are entitled to receive for services rendered in certain cases. Referred to the Committee on the Revision of the Laws. Report adverse, and concurred in February 4. Vote reconsidered, and bill re-committed February 5.
- Feb. 7. For the effectual suppression of the crimes of adultery and fornication. Indefinitely postponed.

By Mr. CURTIS—Continued.

Feb. 17. To repeal the preamble of an act entitled an act to remove the court-house of Marengo county. Referred to the Committee on Local Legislation. Report adverse, and concurred in February 24.

By Mr. DAVIS—

1870.

Nov. 26. To repeal an act entitled "An act to amend and repeal sub-division ten (10) of section 750 of the Revised Code of Alabama, approved February 21, 1870. Ordered to a second reading. Referred to the Judiciary Committee December 1. Report adverse, and concurred in January 23, 1871.

Dec. 9. (With petition), To prohibit the sale of spirituous liquors within two miles of the Rock Mills Manufacturing House, in Randolph county. Passed forthwith.

1871.

Jan. 23. To allow W. B. Sanders of Randolph county, to peddle without taking out and paying for State and county license. Referred to the Committee on Ways and Means. Report adverse, and concurred in February 18.

Jan. 23. To prevent persons from voting at general elections, who fail to pay their taxes of the previous year. Laid on the table.

Feb. 2. To authorize Henry Walls of Randolph county, to practice Medicine without paying license, and to collect for the same. Referred to the Committee on Ways and Means.

Feb. 7. To change the county line between the counties of Clay and Randolph. Passed forthwith.

Feb. 8. To restrain the tax collector of Randolph county from collecting certain taxes therein named. Referred to the Committee on Local Legislation. Report favorable, and bill passed February 13.

Feb. 17. (With petition). To allow G. W. S. Hunter of the county of Randolph, to retail spirituous liquors without license. Referred to the Committee on Ways and Means.

By Mr. DAVIS—Continued

March 6. For the relief of Mariah Goss and R. F. Thornton, and to extend to them certain water privileges. Ordered to a third reading.

By Mr. DOSTER—

1870.

Nov. 25. To amend section 69 of an act to regulate elections in this State. Ordered to a second reading. Referred to the Judiciary Committee November 30.

Nov. 26. To amend section 11 of an act entitled "An act to establish Revenue Laws for the State of Alabama. Ordered to a second reading. Referred to the Committee on Ways and Means November 30. Report favorable December 9. Passed December 14.

Dec. 3. To amend section 33 of an act entitled "An act to establish Revenue Laws for the State of Alabama," approved December 31, 1868. Referred to the Committee on Ways and Means. General Revenue bill reported and passed February 21, 1871.

Dec. 8. For the relief of Charles E. Boon from the disabilities of minority. Referred to the Committee on Local Legislation. Report adverse, and concurred in February 13, 1871.

1871.

Jan. 19. To permanently locate the county seat of Baker county. Referred to the Committee on Local Legislation. Report favorable, with amendment, and bill passed Feb. 3.

Jan. 19. To amend section 3706 of the Revised Code of Alabama. Referred to the Judiciary Committee. Report favorable, and bill passed January 23, 1871.

Jan. 19. For the relief of James H. Booth as administrator of the estate of Benjamin F. Boon. Referred to the Judiciary Committee. Report favorable, and bill passed February 9.

Jan. 31. To amend section 3736 of the Revised Code of Alabama. Referred to the committee on Revision of the Laws.

By Mr. DOSTER—Continued.

- Feb. 2. To amend subdivision 10 of section 1502 of the Revised Code of Alabama. Referred to the committee on Revision of the Laws. Report favorable, and bill passed February 25.
- Feb. 17. To permanently locate the county seat of Baker county. Passed forthwith.
- Feb. 24. To amend section 8 of an act entitled An act to create a new county, to be called the county of Baker. Passed forthwith.
- March 6. To amend section 3098 of the Revised Code of Alabama. Ordered to a third reading.
- March 6. To make claims for rent of buildings by counties for use as a court-house, preferred claims against counties. Referred to the committee on Counties and County Boundaries. Report favorable, and bill passed March 7.

By Mr. DOZIER—

1871.

- Feb. 17. For the relief of Elias Cohen, of Perry county. Referred to the committee on Local Legislation. Substitute reported, and bill passed Feb. 24.

By Mr. DUSKIN—

1870.

- Dec. 9. To authorize the clerk of the circuit court of Hale county, Alabama, to act as clerk of the county court of said county. Referred to the committee on Local Legislation. Report favorable, and bill passed February 13, 1871.

- Dec. 15. To amend section 3555 of the Revised Code of Alabama. Referred to the Judiciary Committee.

1871.

- Jan. 19. To regulate sheriff sales in Hale county. Referred to the Judiciary Committee. Report favorable, and bill passed February 25.

- Jan. 28. To repeal subdivision 23 of section 6 of an act entitled An act to establish revenue laws for the State of Alabama, approved December 31, 1858. Read first time. Referred to committee on Ways and Means January 30. General revenue bill reported and passed February 21.

By Mr. DUSKIN—Continued.

- Jan. 31. (With petition,) To amend an act to incorporate the town of Greensboro, in the county of Hale. Referred to the committee on Corporations. Report favorable, and bill passed February 23.

By Mr. DUSTAN—

1871.

- Jan. 19. To amend an act to incorporate the Protestant Episcopal church in the diocese of Alabama, and to enable said church to provide for the orphans and widows of soldiers and other destitute persons. Referred to the committee on Corporations. Report favorable, and bill passed January 30.
- Jan. 20. For the relief of Richard H. Clark as administrator of the estate of William A. Christian, deceased, in the county of Marengo. Referred to the Judiciary Committee. Report favorable, and bill passed February 8.
- Jan. 20. To regulate the practice in courts of chancery in the State of Alabama. Referred to the Judiciary Committee.
- Jan. 20. To amend an act in relation to chancery courts. Referred to the committee on Revision of the Laws. Report favorable, and bill passed February 4.
- Jan. 20. For the relief of Caroline Packard. Referred to the committee on Local Legislation. Report adverse, and bill passed February 13.
- Jan. 20. For the benefit of the public schools of Marengo county. Amended, and referred to the committee on Education. Report favorable, with amendment, February 17. Bill laid on the table February 20. Recommitted to committee on Education February 28.
- Jan. 25. For the relief of Adeline Fournier, of Demopolis, Marengo county, Alabama. Referred to the committee on Ways and Means. Report favorable, and bill passed February 18.
- Jan. 31. To provide for the formation of a board of medical examiners for the State of Alabama. Referred to the Judiciary Committee.

By Mr. DUSTAN—Continued.

- Jan. 31. Supplementary to an act entitled An act to establish revenue laws for the State of Alabama, approved December 31, 1868. Referred to the committee on Ways and Means. General revenue bill reported and passed February 21.
- Jan. 31. (With petition,) For the relief of Jane Lockhart, of Marengo county. Referred to the committee on Ways and Means.
- Feb. 4. To change the county line between the counties of Hale and Marengo. Indefinitely postponed.
- Feb. 7. (With petition,) To declare J. W. Taylor, a liner between the counties of Hale and Marengo, a citizen of Marengo county. Referred to the Committee on Counties and County Boundaries.
- Feb. 7. To aid the Agricultural and Horticultural Society of West Alabama. Referred to the committee on Ways and Means.
- Feb. 8. To repeal an act entitled An act to require certain officers of Marengo county to reside at the court-house, or within one mile of their offices. Referred to the committee on Local Legislation. Report favorable, and bill indefinitely postponed February 21.
- Feb. 15. To repeal an act to extend the corporate limits of the city of Demopolis. Referred to the committee on Corporations.
- Feb. 17. In relation to fences, the protection of crops and other property, in township 18, range 1 and 2, east, which lies in Marengo county. Referred to the committee on Agriculture and Commerce. Report adverse, but not concurred in, and bill passed March 2.
- Feb. 24. For the relief of P. J. Glover as tax collector of Marengo county. Referred to a select committee. Report favorable, and bill passed February 25.
- March 1. For the relief of Louisiana L. Dupree. Referred to a select committee.

By Mr. ELLISON—

1870.

Dec. 9. To incorporate the Lomax Fire Engine Company No. 4 of the city of Montgomery. Referred to the Committee on Corporations. Report favorable, and the bill passed December 14.

1871.

Jan. 31. To facilitate the collection of municipal taxes and dues in the city of Mobile. Referred to the Committee on Revision of the Laws. Report favorable, and bill passed February 20.

By Mr. ETHERIDGE—

Feb. 2. To establish an election precinct at Bushy Creek Church, in Conecuh county. Referred to the committee on Counties and County Boundaries. Report favorable and bill passed March 7.

March 6. To authorize and empower A. W. Jones, probate judge of Conecuh county, to exercise jurisdiction over the estate of Joseph V. Perryman, deceased. Passed forthwith.

March 6. To repeal an act entitled "An act to regulate the publication of legal and other notices in the State of Alabama," approved August 12th, 1868; and also, an act entitled "An act to amend an act to regulate the publication of legal and other notices in the State of Alabama, approved October 10, 1868, so far as they relate to Conecuh county. Passed forthwith.

By Mr. GASKIN—

1871.

Feb. 7. To repeal an act entitled "An act for the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama." Referred to the committee on Agriculture and Commerce. Report adverse, and concurred in March 2.

Feb. 17. (With petition). To prohibit the sale of spirituous and vinous liquors at Sandy Ridge, Lowndes county. Referred to committee on Local Legislation. Report adverse, and concurred in February 24.

By Mr. GASKIN—Continued.

Feb. 17. To make Mrs. Elizabeth A. Freeman a free-dealer. Amended and referred to the committee on Local Legislation. Substitute reported and passed February 24.

By Mr. GILCHRIST—

1870.

Dec. 15. To amend section 2964, chapter 1, article 4, title 2, part 3, of the Revised Code of Alabama. Referred to the Judiciary Committee.

Dec. 15. To amend section 2660, chapter 9, article 5, title 1, part 3, of the Revised Code of Alabama. Referred to the Judiciary Committee. Report favorable, and bill passed January 23, 1871.

1871.

Jan. 31. To authorize and require the probate judge of Lawrence county to hold special terms of his court at the town of Courtland. Passed forthwith.

Jan. 31. To allow non-residents to prove their accounts by affidavit when sued in this State. Referred to the committee on Revision of the Laws.

Feb. 4. To allow the sheriff or any one of his deputies to perform the duties of constable in certain cases. Referred to the Judiciary Committee.

Feb. 4. To amend section 2960 of the Revised Code of Alabama. Referred to the committee on Revision of the Laws. Report favorable, and bill passed March 4.

By Mr. GRAHAM—

1870.

Nov. 25. To repeal section 21 of an act entitled "An act to establish a new charter for the town of Marion, in the county of Perry." Ordered to a second reading. Referred to the committee on Local Legislation November 30. Report favorable, and bill passed, December 14.

Dec. 15. Presented certain claims against the State. Referred to the committee on Accounts and Claims.

By Mr. GRAHAM—Continued.
1871.

- Feb. 1. To authorize letters of administration upon the estate of Anguish B. Finlayson, deceased, to be taken out in the probate court of Perry county. Referred to the committee on Revision of the Laws. Report favorable, and bill passed March 6.
- Feb. 7. To amend section 4218 of the Revised Code of Alabama, as to Perry county. Passed forthwith.
- Feb. 7. For the relief of Caroline Sellick. Referred to the committee on Local Legislation. Report favorable, and bill passed February 24.
- Feb. 15. For the relief of Ann V. Scott of Perry county. Passed forthwith.
- March 1. For the relief of John M. Brown of the county of Perry. Read three times and lost.

By Mr. GRAYSON of Clark—
1870.

- Dec. 1. To amend section 2302 of the Revised Code of Alabama. Ordered to a second reading. Referred to Judiciary Committee December 2. Report adverse, and concurred in January 23, 1871.
- Dec. 2. To make Mrs. Jane E. Peebles, wife of William H. Peebles of Clark county, a free-dealer. Referred to the Committee on Local Legislation. Report adverse, and concurred in February 13, 1871.
- Dec. 2. To enable John Y. Kilpatrick, administrator of the estate of R. H. Kilpatrick, late of Marion county, deceased, to sell, either at public or private sale, the residence and medical office owned by said Kilpatrick, deceased, at the time of his death, and make title to the same. Referred to the Judiciary Committee. Report favorable, and bill passed January 25, 1871.
- Dec. 8. To repeal an act entitled "an act fixing the compensation of the treasurer of Clarke county," approved February 14, 1870. Referred to the Committee on Local Legislation. Report favorable, and bill passed December 14.

By Mr. GRAYSON of Clarke—Continued.

Dec. 13. To establish the 13th judicial circuit of Alabama. Ordered to a second reading. Referred to the Judiciary Committee January 27, 1871.

1871.

Jan. 27. To repeal an act entitled "an act to relieve disabilities of persons against whom a divorce from the bonds of matrimony has been decreed," approved February 7, 1870. Referred to the Judiciary Committee.

Feb. 2. To repeal an act entitled "an act to amend sections 4377 and 4390 of the Revised Code of Alabama," approved October 10, 1868. Referred to the Committee on Revision of the Laws.

Feb. 4. (Reported) For the relief of M. M. Cook. Passed forthwith.

March 6. To increase the compensation of grand and petit jurors in Clark county. Ordered to a second reading.

By Mr. GRAYSON of Madison—

1870.

Dec. 1. To amend an act entitled "an act to amend section 1321 of the Revised Code of Alabama, and for other purposes," approved March 2, 1870. Ordered to a second reading. Referred to the Judiciary Committee December 3. Report adverse, and concurred in January 25, 1871.

1871.

Jan. 31. To prescribe and enforce the terms upon which express companies not incorporated by or under the laws of this State, may do business in this State. Passed forthwith.

Jan. 31. To authorize courts of county commissioners to alter or change the direction and character of macadamised, turnpike or plank roads. Referred to the Committee on Public Roads and Highways. Report favorable, and bill passed February 4.

March 6. To extend the aid of the State of Alabama to the completion of the Tennessee and Coosa Railroad. Ordered to a second reading.

By Mr. GREEN—

1871.

Feb. 5. (With petition) To repeal an act entitled "an act incorporating the town of Newbern, Greene county," approved December 14, 1859. Referred to the Committee on Corporations. Substitute reported and passed February 25.

By Mr. GUNN—

1871.

Jan. 23. To authorize the Governor to issue a patent to D. D. Gibson and J. N. Bibb, administrators of the estate of J. M. Freeman, deceased. Referred to the Committee on Local Legislation. Recommitted to the Committee on Education January 27. Report favorable, and bill passed February 27.

Jan. 23. To amend the charter of the town of Decatur, Morgan county. Referred to the Committee on Corporations.

Jan. 23. To prevent the sale of spirituous liquors within three miles of Trinity church, Morgan county. Referred to the Committee on Corporations. Report favorable, and bill passed February 21.

Jan. 23. To prevent the sale or giving away of vinous, malt or spirituous liquors in the town of Somerville, Morgan county. Referred to the Committee on Corporations.

Feb. 1. To regulate legal notices in Morgan county. Referred to the Judiciary Committee.

Feb. 1. To allow U. C. Jones to settle with the heirs of D. D. R. A. Jones of Morgan county. Referred to the Judiciary Committee.

Feb. 1. (With petition,) To incorporate the town of Decatur, Morgan county. Passed forthwith.

Feb. 1. To prevent the obstruction of the public highway in the Tennessee river. Passed forthwith.

Feb. 1. To amend section 2 of an act to regulate lotteries, approved December 31, 1868. Referred to the Committee on Revision of the Laws.

Feb. 1. (With petition,) To repeal an act legalizing the tax collector's sale of real estate in Winston county. Referred to the Committee on Ways and Means.

By Mr. HAMILTON—

1870.

Nov. 26. To repeal an act entitled “an act to prevent camp hunting in Marion county,” approved February 7, 1870. Ordered to a second reading. Referred to the Committee on Local Legislation December 1. Report favorable, and bill passed December 14.

Nov. 15. To incorporate Melbourne Mills. Referred to the Judiciary Committee.

Nov. 15. To amend sub-division 112 of “an act entitled an act to establish revenue laws for the State of Alabama,” approved December 31, 1868. Referred to the Committee on Ways and Means. General revenue bill reported and passed February 21, 1871.

1871.

Feb. 1. To authorize solicitors to issue subpoenas in vacation for witnesses to attend before the grand jury. Referred to the Judiciary Committee.

Feb. 1. To give the court of probate jurisdiction of the exemptions allowed by the constitution to the widows and families of deceased persons. Referred to the Judiciary Committee.

By Mr. HARALSON—

1870.

Dec 14. To amend section 9 of an act entitled “An act to establish a new charter for the city of Selma,” approved December 4, 1868. Referred to the Committee on Corporations. Report adverse, and concurred in January 30, 1871.

1871.

Jan. 28. To amend an act entitled “An act to establish revenue laws for the State of Alabama,” approved December 31, 1868. Referred to the Committee on Ways and Means. General revenue bill reported, and passed February 21.

Jan. 28. To repeal an act entitled “An act to release the Tennessee and Coosa Rivers Railroad Company from its indebtedness to the State of Alabama.” Referred to the Committee on Internal Improvements.

By Mr. HARALSON—Continued.

- Feb. 7. To prevent fortune-telling and the like in this State. Referred to the Judiciary Committee.
- Feb. 7. To enforce sections 3614 and 3615 of the Revised Code of Alabama. Indefinitely postponed.
- Feb. 17. To amend the concluding paragraph of section 3 of an act entitled "An act to establish a criminal court for the county of Dallas," approved February 23, 1870. Referred to the Judiciary committee.

By Mr. HARMOUNT—
1870.

- Dec. 1. To relieve James M. Hood of the disabilities of non-age. Referred to the committee on Local Legislation December 3. Report adverse, and concurred in February 13, 1871.
- Dec. 1. Petition of W. V. Turner, Saul B. Brown and S. M. Cockerell. Referred to the committee on Privileges and Elections.
- Dec. 9. For the relief of Mary Ellen Anderson, a minor, of Montgomery county. Referred to the committee on Local Legislation. Report adverse, and concurred in February 13, 1871.
- Dec. 15. To make Elizabeth Hill a free-dealer. Referred to the committee on Local Legislation. Report adverse, and concurred in February 13, 1871.

1871.

- Feb. 1. For the relief of the widow and heirs of David Owen, deceased. Passed forthwith.
- Feb. 7. To authorize the distributees of the estate of T. M. Cowles, deceased, to sell real estate at private sale. Referred to the Judiciary committee.
- Feb. 17. To authorize the probate of the last will and testament of John C. Judkins, deceased, who was an inhabitant of Macon county, in this State, at the time of his death, in the probate court of Montgomery county, and to authorize the execution of said will and testament in said probate court of Montgomery county. Passed forthwith.

By Mr. HARMOUNT—Continued.

- Feb. 17. To relieve John C. Judkins, of Montgomery county, from the disabilities of minority. Referred to the committee on Local Legislation. Substitute reported, and bill passed February 24.

By Mr. HENDERSON—

1870.

- Dec. 1. Petition of Barton Long contesting the seat of B. M. Henry, from the county of Russell. Referred to the committee on Privileges and Elections.

1871.

- Feb. 2. To amend section 1322 of the Revised Code of Alabama. Referred to the committee on Revision of the Laws. Report favorable, and bill passed, with amendment, February 4.
- Feb. 2. For the relief of Thomas B. Curtis and Mary E. Curtis, of Wilcox county, from the disabilities of non-age. Referred to the committee on Local Legislation. Report adverse, and concurred in February 13.
- Feb. 2. To incorporate the town of Pine Apple, in Wilcox county. Referred to the committee on Corporations. Report favorable, and bill passed February 27.
- Feb. 4. To regulate the payment of fines and forfeitures in the county of Wilcox. Referred to the committee on Fees and Salaries. Report favorable, but the bill was lost November 2.
- Feb. 25. For the relief of Peter M. Horn, of Wilcox county. Referred to the committee on Appropriations. Report adverse, and concurred in March 2.

By Mr. HENRY—

1871.

- Feb. 2. To authorize Thomas E. Blanchard, a citizen of the State of Georgia, to qualify as administrator on the estate of John Mitchell, deceased. Referred to the committee on Revision of the Laws.

By Mr. HENRY—Continued.

- Feb. 2. To change the county line between the counties of Barbour and Russell. Referred to the committee on Counties and County Boundaries.
- Feb. 2. To repeal an act entitled "An act to repeal in part an act to incorporate the Mobile & Girard Railroad Company," approved January 21, 1865. Referred to the committee on Internal Improvements. Report favorable, and bill passed March 2.
- Feb. 4. For the relief of the estate of William T. Upshaw, deceased. Referred to the Judiciary committee. Report favorable, and bill passed February 25.
- Feb. 4. To ratify and confirm all acts and things done and performed by the intendent and council of the town of LaFayette, in Chambers county, Alabama. Referred to the committee on Local Legislation. Recommitted to the committee on Corporations February 13.
- Feb. 7. For the relief of Jerry A. Guy, of Lee county. Referred to the committee on Local Legislation. Recommitted to the committee on Ways and Means February 13.
- Feb. 24. For the relief of M. M. Moore, of the county of Muscogee, and State of Georgia, and L. S. Hanks, of the county of Clay, and State of Georgia. Passed forthwith.

By Mr. HEWITT—

1870.

- Nov. 25. To repeal an act entitled "An act to authorize the publication of the Laws of the State of Alabama," approved October 10, 1868. Ordered to a second reading. Referred to the Judiciary committee November 30. Report adverse, and concurred in December 14.
- Nov. 26. To amend an act entitled an act for the relief of laborers and employees, approved October 10, 1868. Ordered to a second reading. Referred to the Judiciary committee December 1. Report adverse, and concurred in January 23d, 1871.

By Mr. HEWITT—Continued.

Nov. 26. To repeal an act entitled an act to amend section 4066 of the Revised Code of Alabama. Ordered to a second reading. Referred to Judiciary committee December 1. Report favorable, and bill passed January 23d, 1871.

Nov. 26. To repeal an act entitled "An act to amend section 2351 of the Revised Code of Alabama," approved March 1, 1870. Ordered to a second reading. Report adverse, and concurred in, but said vote reconsidered January 24, 1871. Report laid on the table January 25, 1871. Taken from table and ordered to a third reading January 26. Passed January 27.

Dec. 2. To exempt certain property therein named, from sale under execution, and other final process. Referred to the Judiciary committee. Report favorable, with amendments, February 15, 1871. Amended and passed February 20.

Dec. 3. To ratify certain acts, judgments and decrees therein named. Referred to the Judiciary committee. Substitute reported January 24, 1871. Adopted and passed January 27.

Dec. 3. To ratify certain laws enacted during the late war therein mentioned. Referred to the Judiciary committee. Substitute reported January 24, 1871. Adopted and passed January 27.

Dec. 3. To ratify certain sales made by administrators, executors, guardians and trustees therein mentioned. Referred to Judiciary committee. Substitute reported January 24, 1871. Adopted and passed January 27.

Dec. 9. (With a petition). To prohibit the sale of vinous or spirituous liquors at or within one mile of Central Baptist church, Jefferson county. Passed forthwith.

Dec. 13. To establish a charter for the town of Elyton, in Jefferson county. Passed forthwith.

Dec. 15. To enable any qualified elector to contest the election of certain officers therein named. Referred to the Judiciary committee.

By Mr. HEWITT - Continued.
1871.

Jan. 20. To legalize the marriage of James M. Bankston and Elizabeth Hardy, of the county of Jefferson. Referred to the committee on the Revision of the Laws. Substitute reported and laid on the table February 4.

Jan. 21. To amend section 2358 of the Revised Code of Alabama. Referred to the committee on Revision of the Laws. Report favorable, and the bill ordered to a third reading March 6. Passed March 7.

Jan. 31. To repeal section 2877 of the Revised Code of Alabama. Referred to the committee on Revision of the Laws. Report favorable, and ordered to a third reading March 4. Passed March 6.

Jan. 31. To amend section 3931 of the Revised Code of Alabama. Referred to the committee on Revision of the Laws. Report favorable, and bill passed March 4.

Jan. 31. To repeal sections 3932 and 3939 of the Revised Code of Alabama. Referred to the committee on Revision of the Laws. Report favorable, and bill passed March 4.

Jan. 31. To define the duties of county solicitors and regulating their fees. Referred to the Committee on Revision of the Laws. Report favorable, and bill passed March 7.

Jan. 31. To declare a certain class of married women therein named *femme soles*. Referred to the Judiciary committee.

Feb. 4. To authorize and require the General Assembly to elect by joint vote, a solicitor for each judicial circuit in the State, and to re-enact certain sections of the Revised Code therein named. Referred to the Judiciary committee. Substitute reported February 23. Laid on the table February 24.

Feb. 4. (With statement). To appropriate the sum of seventy-four 94-100 dollars out of any funds in the Treasury not otherwise appropriated, to pay the interest on the 16th section fund

By Mr. HEWITT—Continued.

- due township 15, range 2, west, for the county of Jefferson. Referred to committee on Education. Report favorable, and passed February 20.
- Feb. 9. To secure Medical aid for the poor of this State. Referred to the Judiciary committee. Recommended to a Select Committee February 27. Report favorable, March 1.
- Feb. 24. To require certain railroad presidents or superintendents to make and return certain statements therein named. Passed forthwith.
- Feb. 24. To prohibit the sale of spirituous, vinous or malt liquors within three miles of Mount Tabor church, in the county of Blount. Passed forthwith.
- Feb. 24. To prohibit the sale of vinous or spirituous liquors at or within two miles of Taylor's Chapel in the county of Jefferson. Passed forthwith.
- Feb. 24. Joint resolution providing that the General Assembly adjourn *sine die* on Thursday, March 2d, next. Postponed till 1st March. Vote rescinded postponing, and resolution adopted February 25.

By Mr. HITCHCOCK—

1871.

- Feb. 2. To allow Patsey Wesson of Talladega county to take possession of certain property conveyed by will of her father, John Willingham. Referred to the committee on Local Legislation. Report favorable, and bill passed February 13.
- March 7. To make Pauline Phillips, wife of William R. Phillips of Talladega county, a free-dealer. Passed forthwith.

By Mr. HODO—

1870.

- Dec. 3. To amend section 2998 of the Revised Code of Alabama. Referred to the Judiciary Committee.

By Mr. HODO—Continued.

Dec. 15. To facilitate the collection of the educational fund in this State. Referred to the Committee on Education. Report favorable, with amendment, but bill recommitted January 30.

1871.

Jan. 23. To prohibit the dealing in county claims by public officers. Referred to the Committee on the Revision of the Laws. Report favorable, and bill passed February 4.

Jan. 23. To authorize executors and administrators to compromise on all claims due estates. Referred to the Committee on the Revision of the Laws. Report favorable, and bill passed Feb. 4.

Jan. 23. To authorize executors and administrators to sell growing crops. Referred to the Committee on the Revision of the Laws. Report adverse, and concurred in February 4.

Feb. 2. To regulate exemptions in the State of Alabama. Referred to the Judiciary Committee.

Feb. 2. To provide for the sale of judgments for cost. Referred to the Judiciary Committee.

Feb. 2. To provide for the sale of claims belonging to insolvent estates. Referred to the Judiciary Committee.

Feb. 2. To amend section 2382 of the Revised Code of Alabama. Referred to the Committee on Revision of the Laws. Report favorable, and bill passed March 4.

Feb. 2. For the relief of James A. Evans and Janie E. Evans of Pickens county. Referred to the Committee on Local Legislation. Report adverse, and concurred in February 13.

Feb. 4. To amend section 2 of an act to incorporate the Stafford Mills, of Pickens county. Passed forthwith.

Feb. 17. To provide temporarily for vacancies in the office of sheriff. Referred to the Judiciary Committee.

Feb. 17. To amend an act to fix the time of holding the circuit court in the 7th judicial circuit. Referred to the Committee on Revision of the Laws.

By Mr. HOLMES of Baldwin—
1871.

- Jan. 27. To require the bonded officers of Baldwin county to give as their bondsmen, persons living in the county of Baldwin. Referred to the Judiciary Committee.
- Jan. 27. To divide Baldwin county into four commissioners districts. Referred to the Committee on Local Legislation. Report favorable, and bill passed February 13.
- Feb. 7. (With petition.) To incorporate the town of Henshaw, Baldwin county. Referred to the Committee on Corporations.

By Mr. HOLMES of Sumter—
1870.

- Dec. 5. For the relief of citizens, who are exempted on account of age, from serving on juries. Passed forthwith.
- Dec. 13. To enable the commissioners court of Sumter county to erect bridges, and to make the same preferred claims against said county. Referred to the Committee on Roads and Public Highways. Report adverse, and concurred in February 4, 1871.

1871.

- Feb. 2. To repeal an act entitled "an act for the relief of the sheriff of Sumter county." Referred to the Committee on Revision of the Laws.
- Feb. 17. To amend an act contained in section 3688 of the Revised Code of Alabama, to protect children under twelve years of age from decoy or seizure. Referred to the Judiciary Committee.
- Feb. 17. To relieve Frank White of Sumter county, from the disabilities of minority. Referred to the Committee on Local Legislation. Substitute reported, and passed February 24.
- Feb. 17. To relieve Mrs. A. M. Gere of Sumter county, from the payment of excessive taxation. Referred to the Committee on Fees and Salaries. Substitute reported and passed March 2.

By Mr. HOLMES of Sumter—Continued.

March 1. To amend section 11 of an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State. Referred to the Committee on Internal Improvements. Report favorable, and bill passed March 8.

By Mr. HOWELL—

1870.

Dec. 2. To amend a certain clause of section 49 of the Revised Code of Alabama regulating mileage of the General Assembly. Referred to the committee on Fees and Salaries. Report adverse, and concurred in February 2, 1871.

Dec. 2. A petition. Referred to the Judiciary committee. Report adverse, and concurred in January 23, 1871.

Dec. 5. To amend article 9, of section 2, of an act entitled "An act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to the committee on Ways and Means. General revenue bill reported, and passed February 21, 1871.

1871.

Jan. 19. (With a petition.) To empower Silas M. Putnam, of Cleburne county, to make titles to land to William M. Waits, of said county. Referred to the Committee on Local Legislation. Re-committed to the Judiciary committee January 27.

Jan. 28. To amend sections 28 and 29 of the Revised Code of Alabama. Referred to the committee on Revision of the Laws. Report adverse, and concurred in February 4.

Jan. 28. To prevent malicious prosecution in Cleburne county, Alabama. Laid on the table.

Feb. 2. To authorize Mrs. Mary S. McCanaloss to sell and make title to certain land therein described. Referred to the committee on Local Legislation. Report favorable, and bill passed February 13.

Feb. 7. (With a statement) To authorize Mrs. Mary A. Copeland, of Cleburne county, to sell and make titles to certain land therein named. Re-

By Mr. HOWELL—Continued.

ferred to the committee on Local Legislation. Report favorable, and bill passed February 13.

- March. 1. For the relief of Hugh Montgomery, of Cleburne county. Referred to the Committee on Local Legislation. Recommitted to the Judiciary committee March 2.

By Mr. HUBBARD—

1870.

- Dec. 2. To amend section 80 of an act entitled "An act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to the committee on Ways and Means. Report adverse, and concurred in December 9.
- Dec. 9. To invest Mrs. Ann C. Smith, of Pike county, with certain rights. Referred to the Judiciary committee. Recommitted to the committee on Local Legislation January 25, 1871. Report adverse, and concurred in February 13, 1871.
- Dec. 9. To repeal certain acts therein named. Referred to the Judiciary committee. Report adverse, and concurred in January 25, 1871.
- Dec. 9. To repeal an act to authorize the publication of the laws of Alabama. Referred to the Judiciary committee. Report favorable, and bill passed February 24, 1871.
- Dec. 9. To amend section 2875 of the Revised Code of Alabama. Referred to the Judiciary committee. Report adverse, and concurred in February 1, 1871.
- Dec. 9. To change the county line between the counties of Bullock and Pike, so as to make J. H. Crowder a citizen of Pike county. Referred to the committee on Counties and County Boundaries. Report favorable, and bill passed March 7, 1871.
- Dec. 9. To remove the disabilities of non-age from William A. McBryde, of Pike county. Referred to the committee on Local Legislation. Report adverse, and concurred in February 13, 1871.
- Dec. 9. To legalize and adjust the taxes in this State. Referred to the Committee on Ways and Means.

By Mr. HUBBARD—Continued.

Feb. 7. To legalize the division of the assessment lists named therein. Passed forthwith.

Feb. 7. To prohibit the assessment or the collection of, or the appropriation of, the tax of Pike county, for the purpose of building a court-house. Referred to the Committee on Local Legislation. Report favorable, and bill passed Feb. 13.

Feb. 10. To prevent assessing or collecting a special tax by the commissioners court of Pike county. Amended and passed forthwith.

Feb. 10. To authorize the corporate authorities of the city of Troy to purchase real property sold for taxes levied and assessed by said authorities, and to enforce the rights acquired by such purchase. Passed forthwith.

Feb. 10. To authorize William H. Parks, the administrator of John A. Howard, deceased, to sell the land of said estate at private sale without making application, proof and obtaining an order of sale, as is usually done. Passed forthwith.

Feb. 10. To repeal the laws incorporating Orion, in Pike county, provided a majority of the legal voters thereof vote for the repeal. Referred to the committee on Corporations.

Feb. 10. To prohibit the sale of liquors within two miles of the Methodist Episcopal Church at Brier Hill, in Pike county. Referred to the committee on Corporations.

Feb. 10. To incorporate Spring Hill, in Pike county. Referred to the committee on Corporations.

Feb. 10. To create a separate estate for married women. Referred to the Judiciary committee.

Feb. 10. To declare married women under twenty-one years old possessed of the same rights and liabilities, with reference to their separate statutory estate, as if they were twenty-one years old. Referred to the Judiciary committee.

Feb. 13. Petition from citizens of Tuskaloosa, Bibb, Shelby and Jefferson counties asking the establishment of a new county out of portions of the counties mentioned. Referred to a select committee. Report adverse, and concurred in February 21.

By Mr. HURT—

1870.

Dec. 5. To repeal section 3519 of the Revised Code of Alabama. Referred to the Judiciary Committee. Report adverse, and concurred in January 24.

Dec. 15. To secure prompt payment for stock killed or injured by railroads in this State. Referred to the committee on Internal Improvements. Report adverse, and concurred in January 30.

1871.

Jan. 20. To repeal an act to authorize the appointment of a guardian *ad litem* for each county. Referred to the Judiciary Committee.

Jan. 20. To repeal Ordinance No. 36, adopted by the late Constitutional Convention of Alabama. Referred to the Judiciary Committee. Report favorable, and bill passed February 23.

Jan. 20. To prevent intermeddling with contracts of laborers. Referred to the Judiciary Committee.

Jan. 20. To authorize executors, administrators, and guardians to make compromises. Referred to the Judiciary Committee.

Jan. 20. For the relief of H. H. Hopkins, of Jackson county. Referred to the committee on Ways and Means. Report adverse, and concurred in January 28.

Jan. 20. To regulate appropriations made by commissioners' courts. Referred to the committee on Ways and Means. Report adverse, and concurred in January 28.

Jan. 20. To compel county officers to reside at their respective county sites. Read twice and amended. Referred to the committee on Local Legislation January 27. Report adverse, and concurred in February 13.

Jan. 31. To amend section 1282 of the Revised Code of Alabama. Referred to the committee on Revision of the Laws.

Feb. 5. To regulate legal notices in the county of Jackson. Referred to the committee on Local Legislation. Report favorable, and bill passed February 13.

By Mr. HURT—Continued.

Feb. 17. Regulating appeals from justices and notaries public. Referred to the committee on Revision of the Laws.

March 1. To change the Board of Equalization in this State. Referred to the committee on Ways and Means. Substitute reported, and passed March 9.

By Mr. JOHNSON of Coosa—
1870.

Dec. 14. To repeal subdivision 18 of section 112 of an act entitled An act to establish revenue laws for the State of Alabama, approved December 31, 1868. Referred to the committee on Ways and Means. General revenue bill reported, and passed February 21, 1871.

1871.

Jan. 19. To amend section 2838 of the Revised Code of Alabama. Amended and referred to the Judiciary Committee. Report favorable, and bill passed February 27.

Jan. 28. (With petition,) To enable the administrator with the will annexed of the estate of W. W. Richardson, late of Coosa county, deceased, to sell certain lands therein named. Referred to the Judiciary Committee.

Feb. 4. To authorize Mrs. Sarah Thomas, widow of Bryant Thomas, and guardian of Wm. L. Thomas, a minor, and only heir of said estate, to sell the property for re-investment, without making settlements with the judge of the probate court until the minor is fourteen years of age. Referred to the Judiciary Committee.

Feb. 4. To make Caroline Spigener and Mrs. Martha Ann Spigener, of Elmore county, free dealers. Referred to the committee on Local Legislation.

Feb. 7. To regulate the holding of the office of county treasurer of Coosa county. Referred to the Judiciary Committee.

Feb. 17. To authorize M. D. Moore and Belle Taylor, guardians, &c., to sell certain property therein named.

By Mr. JOHNSON of Coosa—Continued.

Feb. 17. For the relief of Benjamin F. Calfee, of Coosa county. Referred to the committee on Local Legislation. Substitute reported, and passed February 24.

To prevent the sale or giving away of spirituous or vinous liquors within one mile of Andrew Chapel and Poplar Springs church, in Coosa county. Referred to the committee on Corporations.

March 1. To allow B. T. Goza to sell general merchandise and spirituous liquors for medical purposes, in quantities not less than one quart, free of State and county taxes and licenses. Referred to the committee on Ways and Means.

By Mr. JOHNSON of Dallas—
1871.

Jan. 28. For the relief of Giles Hunter, of Dallas county. Indefinitely postponed.

Feb. 17. To prevent the sale of spirituous liquors within one mile of Shady Grove Baptist church, in Dallas county. Referred to the committee on Corporations.

By Mr. KENNEDY—
1870.

Dec. 9. To establish a chancery court for the county of Sanford. Referred to the Judiciary Committee. Report favorable, and bill passed January 25, 1871.

Dec. 9. To regulate the publication of legal notices in the county of Sanford. Referred to the Judiciary Committee. Report adverse, and concurred in January 25, 1871.

Dec. 9. To remove the administration of the estate of James Metcalf from the county of Madison to the county of Sanford. Referred to the committee on Local Legislation. Report favorable, and bill passed February 13.

1871.

Feb. 7. To remove the disabilities of non-age of Martin Clitherall Petty, of Sanford county. Referred to the committee on Local Legislation. Report favorable, and bill passed February 13.

By Mr. KENNEDY—Continued.

- Feb. 7. To prohibit justices of the peace from appointing overseers of public roads in Fayette county. Referred to the committee on Public Roads and Highways.
- Feb. 21. To repeal an act requiring certain duties of justices of the peace in Fayette county. Passed forthwith.
- March 1. To regulate the publication of legal and other notices in the county of Sanford. Passed forthwith.

By Mr. LEATH—

1870.

- Dec. 3. For the relief of H. M. Graham, late tax collector of Calhoun county. Referred to the Judiciary committee. Report favorable, and bill passed, February 23, 1871.

1871.

- Jan. 19. (With transcript). For the relief of the sureties of Lafayette M. Stiff, late receiver of public moneys at the land office at Center, Alabama. Referred to the Judiciary committee.
- Jan. 28. For the relief of J. M. Campbell of Cherokee county, and J. W. Duncan of DeKalb county, teachers of free public schools, taught in DeKalb county. Referred to the committee on Education.
- Feb. 2. To incorporate the town of Gadsden, Etowah county, Alabama. Referred to the committee on Corporations. Report favorable, and bill passed February 21.
- Feb. 4. To enable circuit clerks to collect fees in certain cases therein named. Referred to the Judiciary committee.
- Feb. 5. To authorize Catherine Q. Hughes, administratrix of Joseph Hughes, late of Cherokee county, now Etowah county, to sell the real estate belonging to said estate at public or private sale. Referred to Judiciary committee.
- Feb. 5. For the relief of John A. H. Caddell of the county of Etowah, Alabama, of non-age. Passed forthwith.

By Mr. LEATH—Continued.

- Feb. 17. To prohibit fishing in the Coosa river or its tributaries with nets or seines. Referred to the committee on Corporations. Report favorable, and bill passed February 27.
- Feb. 25. To exempt the law firm of Cooper & Reeves of Cherokee county, and Greene & Barnes of Tallapoosa county, from the operation of an act to prohibit attorneys from practicing their profession in the probate and chancery courts in certain cases, approved February 13, 1871. Amended, and referred to a Select committee. Report favorable, bill amended and lost.
- March 1. To amend an act to vest certain lands in the heirs and widow of the estate of Isaac L. Ward, deceased, late of Cherokee county. Passed forthwith.
- Mar. 6. To authorize Catherine L. Hughes, administratrix of Joseph Hughes, deceased, late of Etowah county, to sell land at public or private sale. Passed forthwith.

By Mr. LEWIS—
1870.

- Dec. 2. For the relief of Fleming M. Gilmer of Montgomery county. Referred to the committee on Local Legislation. Report adverse, and concurred in January 30, 1871.
- Dec. 10. In relation to the Annual Alabama Conference of the Methodist Episcopal Church South. Referred to the committee on Corporations. Report favorable, and the bill passed December 13.
- Dec. 10. To repeal a certain act therein named. Referred to the committee on Ways and Means. Report adverse, and concurred in January 28, 1871.
- Dec. 10. To amend section 1998 of the Revised Code of Alabama. Referred to the Judiciary committee. Report favorable, and bill passed February 6, 1871.
- Dec. 13. To fix the times of holding the chancery courts in the middle chancery division. Referred to the Judiciary committee. Report favorable, with amendment, and bill passed February 7, 1871.

By Mr. LEWIS—Continued.

Dec. 13. To provide for the submission of cases in vacation in the middle chancery division. Referred to the Judiciary committee. Report favorable, with amendments, and the bill passed February 9, 1871.

Dec. 13. To amend section 60 of chapter 2, title 3, part 1, of the Revised Code of Alabama. Referred to the Judiciary Committee.

Dec. 13. To amend section 3 of an act entitled "An act to establish Revenue Laws for the State of Alabama," approved December 31, 1868. Referred to the committee on Ways and Means February 21, 1871.

Dec. 13. To amend an act to establish the city court of Eufaula. Referred to the Judiciary committee. Report favorable, and bill passed February 9, 1871.

1871.

Jan. 23. To amend an act to prohibit the sale of spirituous liquors within five miles of Harmony church, in Shelby county. Referred to the committee on Corporations. Report favorable, and bill passed February 27.

Jan. 23. To amend section 3307 of the Revised Code of Alabama. Referred to the Committee on Revision of the Laws. Report adverse, February 4. Concurred in February 5.

Jan. 23. To amend section 3307 of the Revised Code of Alabama. Referred to the committee on Revision of Laws. Report adverse, February 4. Concurred in February 5.

Jan. 23. To repeal an act entitled "An act to authorize the several counties and towns and cities of the State of Alabama, to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests. Referred to the Committee on Internal Improvements. Report favorable, and bill passed February 28.

Jan. 23. To amend section 2376 of the Revised Code of Alabama. Referred to the committee on the Judiciary. Report favorable, and passed February 27.

By Mr. LEWIS—Continued,

- Feb. 2. To carry into effect section 5, of article 13 of the State Constitution, and provide modes of procedure in the same. Referred to the committee on Revision of the Laws.
- Feb. 2. To amend section 1 of an act to create the county of Baker. Referred to the committee on Counties and County Boundaries.
- Feb. 2. To revive an act to incorporate the town of Columbiana, in the county of Shelby. Referred to the committee on Corporations. Report favorable, and bill passed February 4.
- Feb. 2. To create the tenth chancery district of the eastern division of the State of Alabama. Referred to a Select committee. Substitute reported and passed February 27.
- Feb. 17. For the relief of tax-payers of Alabama. Amended and referred to the committee on Ways and Means.
- Feb. 21. For the relief of the citizens of Shelby county. Passed forthwith.

By Mr. LINDSAY—

1870.

- Dec. 9. For the relief of Theophilus Clausel. Read twice and laid on the table. Taken from the table and referred to Judiciary Committee December 15. Substitute reported, and bill lost February 9, 1871.
- Dec. 9. To amend sections 3518 and 4339 of the Revised Code of Alabama. Read twice and laid on the table.
- Dec. 15. To authorize sheriffs to execute all process issued by justices and notaries public, when there is no regularly qualified constable in their respective beats. Referred to the Judiciary Committee. Report favorable, with amendmet, and bill passed February 9, 1871.
- Dec. 15. To make Sibba Harden a free-dealer. Referred to the Committee on Local Legislation. Report adverse, and concurred in February 13, 1871.

By Mr. LOWE—

Nov. 25. To amend section 14 of an act entitled "an act in relation to the chancery courts in Alabama," approved August 12, 1868. Passed forthwith.

Dec. 5. Joint resolution authorizing the continuation and purchase of Smith's Condensed Reports. Referred to the Judiciary Committee. Substitute reported, but recommitted to the Judiciary Committee January 28, 1871. Amendment reported, and resolution passed February 3, 1871.

Dec. 13. To confer on John T. Rather and Silas P. Rather, administrators of Edward R. Thompson, deceased, authority to compromise a suit. Referred to the Judiciary Committee. Report favorable, and bill passed February 23, 1870.

Dec. 15. To regulate the taking of testimony in courts of chancery. Referred to the Judiciary Committee. Report favorable, with amendments, and bill passed February 9, 1871.

1871.

Jan. 20. To amend sub-divisions 13 and 21 of section 112 of an act entitled "an act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to the Committee on Ways and Means. General revenue bill reported and passed February 21.

Jan. 20. To amend section 3315 of the Revised Code of Alabama. Referred to the Committee on the Revision of the Laws. Report favorable, and bill passed February 4.

Jan. 28. To relieve Joseph P. Doyle, sheriff of Madison county. Referred to the Judiciary Committee.

Feb. 4. For the relief of A. B. James and A. E. M. James, his wife. Passed forthwith.

Feb. 7. To amend an act entitled "an act to establish a new charter for the city of Huntsville," approved March 3, 1870. Passed forthwith.

Feb. 9. Joint resolution providing for a joint committee of the two Houses of the General Assembly, to investigate into the condition of the Department of Education. Adopted.

Feb. 15. To attach the county of Madison to the 4th judicial circuit of the State. Passed forthwith.

By Mr. LOWE—Continued.

- Feb. 15. To define the duties of the Recording Secretary of the Executive Chamber. Referred to the Judiciary Committee.
- Feb. 24. To fix the time of holding the court of chancery for the county of Morgan. Passed forthwith.
- Feb. 24. Relating to grand juries in certain cases. Referred to the Judiciary Committee. Report favorable, but the bill was lost March 8.
- Feb. 24. To amend sections 3620, 3621, 3622, 3623, 3625 and 3626 of the Revised Code of Alabama. Referred to the Judiciary Committee.
- Feb. 24. For the relief of Sarah E. Hastings, deceased. Referred to the Judiciary Committee.
- Feb. 24. Memorial and joint resolution to the Congress of the United States, relative to the Committee on Internal Improvements. Report favorable, and adopted March 21.
- March 1. To protect the State in granting aid to railroads. Referred to the Committee on Internal Improvements.
- March 1. To prescribe the terms on which married women may take appeals to the supreme court, and the effect of such appeals. Amended and passed forthwith.

By Mr. LUMPKIN—

- Feb. 17. To authorize William O. Sharp to sell certain lands therein described. Referred to the Judiciary Committee.
- Feb. 17. To declare Nancy Williams, Susan E. Fielder and Lucy L. Mitchell, free-dealers. Referred to the Committee on Local Legislation. Substitute reported, and passed February 24.

By Mr. McCALL—

1870.

- Nov. 23. For the relief of delinquent tax payers. Amended and passed forthwith.
- Nov. 25. To amend section 2 of an act entitled "an act to establish revenue laws for the State of Alabama." Ordered to a second reading. Referred to the Committee on Ways and Means November 30. Report adverse, and concurred in December 9.

By Mr. McCALL—Continued.

Dec. 8. To amend section 3733 of the Revised Code of Alabama. Referred to the Judiciary committee. Substitute reported and passed December 14.

Dec. 8. To amend section 1 of an act entitled "an act to incorporate the town of Midway, in Bullock county." Passed forthwith.

1871.

Jan. 19. To empower Lucy Dinkins, executrix of Edwin Dinkins, late of Pike county, to sell certain lands. Referred to the Committee on Local Legislation. Report favorable, and bill passed February 13.

Jan. 19. To fix the time when agricultural products sold, bartered or exchanged must be delivered or received. Referred to the Judiciary Committee.

Feb. 2. To empower William R. Skinner, executor of Emanuel Sligh, deceased, to sell the real estate of said Sligh. Referred to the Committee on Revision of the Laws. Report favorable, and bill passed March 4.

Feb. 2. For the relief of Isaac D. Pipkin, a minor of Bullock county, Alabama. Referred to the Committee on Local Legislation. Report adverse, and concurred in February 13.

Feb. 2. To make Altha Hall, wife of Matthew Hall of Bullock county, a free-dealer. Referred to the Committee on Local Legislation. Report adverse, and concurred in February 13.

Feb. 2. To prohibit the sale of vinous or spirituous liquors within one mile of the Methodist Church in Enon, Bullock county. Referred to the committee on Local Legislation. Report favorable, and bill passed February 24.

Feb. 5. To change the county line between the counties of Macon and Bullock. Referred to the committee on Counties and County Boundaries.

By Mr. McCASKEY—

1871.

Feb. 2. To repeal an act amendatory of section 16 of the Revised Code of Alabama, approved February 7, 1870. Referred to the committee on Ways and Means.

By Mr. McDERMOTT—

- Feb. 1. To extend the powers of the Fire Department Association of Mobile. Referred to the committee on Corporations. Report favorable, and bill passed February 25.
- Feb. 1. To make the President of the Board of Trade of Mobile a member of the board for the improvement of the river, bay and harbor of Mobile. Referred to the committee on Internal Improvements. Report favorable, and bill passed February 28.
- Feb. 1. To authorize the board for the improvement of the river, bay and harbor of Mobile, to receive certain funds. Referred to the committee on Internal Improvements. Report favorable February 28. Passed March 1.

By Mr. MANCILL—
1870.

- Dcc. 8. For the relief of George A. Snowden, a minor, of Escambia county, over the age of twenty years. Referred to the committee on Local Legislation. Report adverse, and concurred in February 13, 1871.
- Dec. 14. For the relief of Sarah Shepardson, of Covington county. Referred to the committee on Local Legislation. Recommitted to the Judiciary Committee January 27, 1871.
- Dec. 15. To repeal sections 97, 98, 99, 100 and 101 of an act entitled An act to establish revenue laws for the State of Alabama, approved December 31, 1868. Referred to the committee on Ways and Means. General revenue bill reported, and passed February 21, 1871.

1871.

- Jan. 28. For the relief of Nancy Wiggins, of Covington county. Referred to the committee on Education.
- Feb. 5. To amend lines 13 and 14 of section 4339 of the Revised Code of Alabama. Referred to the Judiciary Committee.
- Feb. 7. To declare Pigeon creek a public highway, as herein provided. Referred to the committee on Public Roads and Highways.

By Mr. MANCILL—Continued.

Feb. 17. (With petition.) To change the boundary line between the counties of Covington and Crenshaw. Referred to the committee on Counties and County Boundaries.

By Mr. MARLOWE—

1870.

Dec. 14. To amend the charter of Selma, approved December 4, 1868. Passed forthwith.

1871.

Jan. 19. To regulate the trial of criminal cases in the circuit court of Dallas county. Referred to the Committee on Local Legislation. Recommitted to the Judiciary Committee January 27.

Jan. 20. Joint resolution providing for a joint committee to investigate relative to the endorsement of railroad bonds by the State.

Jan. 28. To amend an act entitled An act to provide for the establishment of a criminal court for the county of Dallas. Referred to the Judiciary Committee.

Jan. 28. (With petition.) To enable Elizabeth H. Tipton, of Dallas county, to sell lots and lay off streets in the city of Selma. Referred to the Judiciary Committee. Report favorable, and bill passed March 8.

Jan. 28. To amend sections 3 and 13 of an act entitled An act to establish a criminal court for the county of Dallas. Referred to the Judiciary Committee.

Jan. 28. To relieve John McKee, of Dallas county, of the disabilities of non-age. Referred to the Committee on Local Legislation. Report adverse, and concurred in February 13.

Jan. 28. To repeal chapter 4, title 6, part 2, of the Revised Code of Alabama. Referred to the committee on Revision of the Laws. Report adverse, and concurred in February 4.

Jan. 28. To prescribe solicitors' fees in certain cases. Referred to the committee on Fees and Salaries. Report favorable, but bill lost on passage February 2.

- Jan. 28. To amend an act to incorporate the Rock and Lignite Oil Company of Alabama. Referred to the committee on Corporations.
- Jan. 28. To amend an act incorporating the Cahaba Coal Coal Company. Referred to the committee on Corporations. Report favorable, and bill passed February 25.
- Feb. 4. To authorize the mayor and council of the city of Selma to provide for the bonded and other debts of said city. Referred to the committee on Corporations. Report favorable, and bill passed February 25.
- Feb. 5. To amend and ratify the charter of the Central Agricultural and Mechanical Association, at Selma, Alabama. Referred to the committee on Corporations. Report favorable, but bill laid on table to pass Senate bill February 25.
- Feb. 5. To amend section 3734 of the Revised Code of Alabama. Referred to the committee on Revision of the Laws. Report favorable, and bill passed March 4.
- Feb. 17. To consolidate the fund of fines and forfeitures and the general fund in the county of Dallas. Referred to the Judiciary Committee.
- Feb. 17. To increase the fees of certain officers in the counties of Dallas and Perry. Referred to the committee on Fees and Salaries. Report favorable, but bill was lost March 2.
- Feb. 17. For the relief of John S. Corbin, of Dallas county. Referred to the committee on Accounts and Claims.
- Feb. 24. To prohibit the sale of spirituous liquors within two miles of Town Creek church, in Dallas county. Passed forthwith.
- Feb. 24. For the relief of the minor heirs of William Johnson, deceased. Read three times forthwith, and lost.

By Mr. MILLER—

1870.

- Dec. 13. To consolidate the offices of tax collector and assessor in the county of Walker. Referred to the committee on Ways and Means. Report favorable, and bill passed January 28.

By Mr. MILLER—Continued.
1871.

- Feb. 2. To authorize and empower John Brown, probate judge of Walker county, to exercise jurisdiction over the estate of Thomas Brown, deceased. Referred to the Judiciary committee. Report favorable, and bill passed February 24.
- Feb. 2. To authorize John Brown, probate judge of Walker county, to exercise jurisdiction over the estates of James Kitchens and Lemuel Sparks, deceased. Referred to the Judiciary Committee. Report favorable, and bill passed February 24.

By Mr. MOORE—
1870.

- Dec. 3. To legalize patents to 16th section lands issued between 8th of January, 1861, and 15th of July, 1868. Referred to the committee on Education. Report favorable, and the bill passed December 14.
- Dec. 8. To prohibit the sale of spirituous, vinous or intoxicating liquors within one mile of Wesley Chapel Church, in Coffee county. Referred to the committee on Local Legislation. Report favorable, and bill passed February 13, 1871.
- Dec. 10. To remove the disabilities of non-age of Peyton Reynolds, of Coffee county. Referred to the committee on Local Legislation.
- Dec. 10. For the relief of Laura Terry, of Geneva county. Referred to the committee on Local Legislation. Report favorable, and bill passed February 13, 1871.
- Dec. 13. To regulate elections in the State of Alabama. Referred to the Judiciary committee.
- Dec. 13. To regulate the rate of taxation in the State of Alabama. Referred to the committee on Ways and Means. Report adverse, and concurred in January 28, 1871.
- Dec. 13. To amend section 100 of an act entitled "An act to establish revenue laws for the State of Alabama," approved December 31, 1858. Referred to the committee on Ways and Means.

By Mr. MOORE—Continued.

General revenue bill reported, and bill passed February 21, 1871.

Dec. 13. To restrain the powers of the court of county commissioners of Coffee county. Referred to the Committee on Local Legislation. Report favorable, and the bill passed February 13, 1871.

Dec. 13. For the relief of persons against whom a divorce has been obtained. Ordered to a third reading.

Dec. 14. To authorize the Secretary of State to issue a patent to 16th section land to W. J. Coleman. Referred to the committee on Education.

Dec. 14. To amend an act to regulate the finances of Coffee county. Referred to the Committee on Local Legislation. Report favorable, and bill passed February 13, 1871.

1871.

Jan. 19. To relieve the trustees of free public schools from road working and serving on juries. Referred to the committee on Public Roads and Highways.

Jan. 19. To change the boundary line between Coffee and Crenshaw counties. Referred to the Committee on Counties and County Boundaries. Report adverse, and concurred in March 7.

Jan. 28. To authorize the Secretary of State to issue a patent to the 16th section land to Hugh Windham, of Coffee county. Referred to the committee on Education.

Jan. 28. To authorize Temperance Faircloth to sell lands belonging to James Floyd Faircloth, deceased. Referred to the committee on Local Legislation. Report favorable, and bill passed February 13.

Jan. 28. To authorize Catharine Harper to sell a certain piece of land. Referred to the Judiciary committee. Report favorable, and bill passed February 13.

Jan. 28. To authorize Eliza C. Bradley to sell certain lands in Coffee county. Referred to the committee on Local Legislation. Report favorable, and bill passed February 13.

By Mr. MOORE—Continued.

- Jan. 28. To amend "An act to declare William Russell, of Geneva county, a liner between said county and Coffee, a citizen of Coffee," approved March 3, 1870. Passed forthwith.
- Jan. 28. To admit opium-eaters and confirmed inebriates into the Insane Asylum at Tuskalooosa. Referred to the committee on the Insane Asylum. Report adverse, and concurred in February 9.
- Feb. 2. To enact an exemption law. Referred to the Judiciary Committee.
- Feb. 2. To prohibit savings banks and other parties from putting into circulation their certificates of deposit. Referred to the Judiciary Committee.
- Feb. 2. To declare null and void the marriage between Christopher Thurman and Rebecca Kelly of Coffee county. Referred to the Committee on Judiciary.
- Feb. 2. For the relief of certain persons therein named. Referred to the Committee on Judiciary.
- Feb. 2. To empower the administration of the estate of A. D. McKinnon, to compromise the affairs of said estate. Referred to the Committee on Judiciary.
- Feb. 2. To declare Caroline Shever a free-dealer. Referred to the Committee on Local Legislation. Report adverse, and concurred in February 13.
- Feb. 2. To restrict the amount which may be allowed the county officers of Coffee county for *ex officio* services. Referred to the Committee on Local Legislation. Report favorable, and bill passed February 13.
- Feb. 2. To preserve the honor, dignity, faith and credit of the State, as pledged to school teachers. Referred to the Committee on Education.
- Feb. 7. (Reported.) For the relief of persons therein named, from the disabilities of non-age. Passed forthwith.
- Feb. 7. (Reported.) To declare certain persons therein named, free-dealers. Passed forthwith.
- Feb. 13. For the relief of William McCray of Hale county and John Jones of Greene county. Passed forthwith.

By Mr. MOORE—Continued.

Feb. 13. To define the application and disbursement of the surplus school fund apportioned to the counties. Referred to the Committee on Education.

Feb. 25. To incorporate a branch charter of the Vicksburg and Brunswick Railroad Company from Troy in Pike county, via Elba and Geneva to the Florida line, in the direction of St. Andrews Bay, Florida. Referred to the Committee on Internal Improvements. Report adverse, and concurred in February 28.

March 6. To amend "an act to suppress murder, lynching and assaults and batteries," approved December 28, 1868. Referred to the Committee on Revision of the Laws.

March 6. In relation to the Troy and Elba branch of the Vicksburg and Brunswick Railroad. Referred to a select committee. Report favorable, and bill passed March 8.

March 6. To provide for the payment of the unpaid claims of teachers, accruing prior to July 15, 1868, and subsequent to December 31, 1867. Referred to a select committee. Report favorable, but the bill was indefinitely postponed March 9.

March 8. Joint resolution relative to the annexation of West-Florida to this State. Referred to the Committee on Internal Improvements. Report favorable, and resolution adopted March 9.

By Mr. MOORING—
1870.

Dec. 2. To allow the commissioners courts of Sumter county and other counties, to purchase field notes. Read first and second times. Amended, and passed December 3.

1871.

Jan. 23. For the relief of R. H. Jemison. Referred to the committee on Local Legislation. Report adverse, and concurred in February 13.

Jan. 23. For the relief of the estate of A. M. Lewis, deceased. Referred to the Judiciary committee.

Jan. 23. To legalize the sale of lands in the county of Sumter. Referred to the Judiciary committee,

By Mr. MOORING—Continued.

- Jan. 23. To give preferred claims on crops. Referred to Judiciary committee.
- Feb. 2. To authorize guardians to resign. Referred to the committee on Revision of the Laws.
- Feb. 2. To enable John J. Henderson of Sumter county, to dispose of his plantation and ferry by lottery. Laid on the table.
- Feb. 4. (With petition). For the relief of David H. Williams of Sumter county. Referred to the committee on Corporations. Substitute reported and passed February 27.
- Feb. 4. To prevent the sale of spirituous liquors within two miles of Brewersville Academy, in Sumter county. Passed forthwith.

By Mr. MURRAH—

1870.

- Dec. 3. To amend section 2963 of the Revised Code of Alabama. Referred to the Judiciary Committee.
- Dec. 9. To incorporate the town of Pickensville, in the county of Pickens. Passed forthwith.

1871.

- Feb. 1. To change the name of Walter L. Pierce of Pickens county. Passed forthwith.
- Feb. 4. To limit the liability of railroad companies for stock killed or injured. Referred to the committee on Revision of the Laws.
- Feb. 8. To prohibit the sale of spirituous, vinous or malt liquors within one mile and a half of Franconia Male Academy, in Pickens county. Passed forthwith.
- March 1. In relation to the Preachers' Aid Society of the Methodist Episcopal Church, South. Passed forthwith.

By Mr. NININGER—

1871.

- Jan. 31. To allow William P. Bruce to sell spirituous or vinous liquors. Laid on the table.

By Mr. OATES—
1870.

- Nov. 23. To restrict the sale of personal property in certain cases. Ordered to a second reading. Referred to the Judiciary committee November 25. Report favorable, and bill recommitted December 14. Substitute reported January 26 and passed.
- Nov. 25. To protect the rights of innocent purchasers in certain cases. Ordered to a second reading. Referred to Judiciary committee November 30. Report favorable, and bill ordered to a third reading December 10. Recommitted January 27. Report favorable, and bill passed February 20.
- Nov. 25. To repeal an act to regulate the appointment of overseers and supervisors of public roads in the county of Henry. Passed forthwith.
- Nov. 25. Joint resolution providing that the two Houses of the General Assembly meet this day at 2 p. m. for the purpose of opening and publishing the votes cast for Executive officers. Adopted forthwith.
- Nov. 26. To amend section 3706 of the Revised Code of Alabama. Ordered to a second reading. Referred to the Judiciary committee December 1. Report favorable, and bill passed January 24, 1871.
- Nov. 26. To abolish the county courts in this State. Ordered to a second reading. Referred to the Judiciary committee December 1. Report favorable, and bill amended and passed January 26, 1871.
- Nov. 26. To amend section 11 of an act entitled "An act to incorporate the town of Columbia, in Henry county," approved January 28, 1870. Ordered to a second reading.
- Dec. 1. To prevent slander, defamation, and the use of obscene and opprobrious language in certain cases. Ordered to a second reading. Referred to the Judiciary committee, December 2. Report favorable, with amendments, and passed January 28, 1871.

By Mr. OATES—Continued.

- Dec. 2. To repeal an act entitled "An act to allow the officers of Barbour county to charge and receive fifty per cent. on the fees now allowed by law in the Code of Alabama," passed forthwith.
- Dec. 2. To amend section 1 of an act entitled "An act to establish public pounds in the county of Montgomery," approved March 3, 1870. Read first and second times. Referred to the committee on Local Legislation December 3. Report favorable, January 30, 1871. Passed February 11.
- Dec. 5. To repeal an act entitled "An act to enable certain officers to collect their fees. Referred to the Judiciary. Report adverse, and concurred in December 14.
- Dec. 5. To re-organize the 8th judicial circuit of Alabama. Referred to the Judiciary committee.
- Dec. 5. To authorize Theodore L. Guerry and William Harrison, citizens of the State of Georgia, to qualify in Alabama as executors of the will of James Harrison, deceased. Passed forthwith.
- Dec. 5. (With a petition). To create a new judicial circuit, known and designated as the 13th judicial circuit of Alabama. Ordered to a second reading. Referred to the Judiciary committee January 27, 1871.
- Dec. 9. To repeal chapter four of title six, of part two of the Revised Code of Alabama. Referred to the Judiciary committee. Report adverse, and concurred in February 4. Substitute reported, but bill indefinitely postponed February 27.
- Dec. To suspend, limit and restrict an act for the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama, so as not to apply to Burton Beat in said county. Referred to the committee on Local Legislation. Report adverse, and concurred in January 30, 1871.
- Dec. 13. To exempt certain property from levy and sale. Laid on the table, and two hundred copies ordered to be printed.

By Mr. OATES—Continued.

Dec. 13. To repeal article 5, of chapter 19, of title 1, of part 5, and subdivision 6, of section 2061 of the Revised Code of Alabama. Referred to the Judiciary Committee. Report favorable on February 20, and bill passed February 23.

1871.

Jan. 19. To regulate the sale of certain products of the farm, and prevent the commission of petit larceny in certain cases. Referred to the Judiciary Committee. Report favorable, with amendment, and bill passed February 9.

Jan. 19. To relieve minors of the disabilities of non-age, in certain cases. Referred to the Judiciary Committee. Report favorable February 24. Read third time and lost February 25.

Jan. 19. For the protection of employers of agricultural laborers. Referred to the Judiciary Committee.

Jan. 19. To relieve Wm. M. Cooper and Jane F. Arnold of the disabilities of non-age. Passed forthwith.

Jan. 19. To amend section 16 of an act entitled An act for the government of the Bureau of Industrial Resources, approved August 12, 1868. Laid on the table.

Jan. 20. To amend section 689 of the Revised Code of Alabama. Referred to the Judiciary Committee. Report favorable, but bill laid on the table in order to pass Senate bill, February 23.

Jan. 20. To amend subdivision 3 of section 1985 of the Revised Code of Alabama. Referred to the Judiciary Committee.

Jan. 20. To amend section 1389 of the Revised Code of Alabama. Referred to the Judiciary Committee.

Jan. 20. To amend sections 3514, 3515, 3517 and 3518 of the Revised Code of Alabama. Referred to the Judiciary Committee.

Jan. 20. To amend section 112 of an act to establish revenue laws for the State of Alabama, so far as to exempt all newspapers from a license tax. Referred to the Committee on Ways and Means. Report adverse, but not concurred in, and bill passed February 25.

By Mr. OATES - Continued.

Jan. 20. (With petition). For the relief of John C. McRae, John McNab, William H. Chambers and A. Stow, of the county of Barbour, from unjust taxation. Referred to the Committee on Ways and Means. Report favorable February 18.

Jan. 20. To repeal sub-divisions 17, 18 and 19 of section 112 of an act entitled An act to establish revenue laws for the State of Alabama, approved December 31, 1868. Referred to the Committee on Ways and Means. General revenue bill reported and passed February 21.

Jan. 20. To require the owners of dogs to pay tax thereon, for educational purposes. Read twice and indefinitely postponed.

Jan. 31. To increase and regulate the pay of jurors and witnesses in the county of Henry. Passed forthwith.

Jan. 31. To amend section 1 of an act to incorporate the Woodville Insurance Company. Passed forthwith.

Jan. 31. To limit the time within which certain actions against executors, administrators, guardians and trustees, shall be commenced. Referred to the Committee on Revision of the Laws.

Jan. 31. To amend an act to incorporate the Montgomery Water Work's Company for the city of Montgomery. Referred to the Committee on Corporations. Report favorable, and bill passed February 27.

Jan. 31. Relating to the increase of the number of supreme court judges. Referred to the Judiciary Committee. Report favorable, and bill lost February 9.

Jan. 31. To define and punish seduction. Referred to the Judiciary Committee.

Jan. 31. To authorize and require the court of county commissioners of Henry county to levy a special tax for certain educational purposes, and to provide for the distribution of the same. Referred to the Judiciary Committee.

By Mr. OATES—Continued.

- Feb. 4. (With petition). To repeal chapter 7 of title 3, of part 4 of the Revised Code of Alabama, so far as the same relates to the county of Henry. Referred to the Judiciary Committee. Report favorable, and bill amended and passed February 15.
- Feb. 5. To declare H. M. Hunter a liner between the counties of Barbour and Russell, and to invest him with certain rights therein named. Passed forthwith.
- Feb. 5. To amend the charter and change the name of the Montgomery Mechanics' Association. Referred to the Judiciary Committee.
- Feb. 6. (Reported.) To establish revenue laws for the State of Alabama. Two hundred copies ordered printed, and made special order for 13th of February. Passed February 21.
- Feb. 10. Joint resolution, providing for the payment of the interest legally due by Alabama, on account of endorsement of railroad bonds. Read first and second times. Lost February 21.
- Feb. 17. To require the judges of the circuit courts of this State to interchange with each other in holding the courts in their respective circuits. Passed forthwith.
- Feb. 17. To legalize and make valid a marriage between Giles Wilkins and Elvira Wilkins, formerly Elvira Willcason, of the county of Henry. Referred to the Committee on Revision of the Laws.
- Feb. 21. To regulate the practice in chancery courts in dissolving injunctions or discharging *ne exeat*s or writs of seizure in the nature of attachments. Passed forthwith.
- Feb. 21. To define the meaning of words and terms used in the acts of the General Assembly of Alabama, passed at the sessions of 1870-71. Passed forthwith.
- Feb. 21. To create a new chancery district for the county of Clay. Passed forthwith.
- Feb. 21. To repeal an act entitled An act to authorize the several counties and towns and cities of the

By Mr. OATES—Continued.

State of Alabama, to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests. Referred to the Committee on Internal Improvements.

Feb. 23. For the relief of John Perry Jackson from the disabilities of non-age. Passed forthwith.

Feb. 23. Amendatory of an act making appropriations for the fiscal year ending September 30, 1871, approved December 16, 1870. Amended, and referred to the Committee on Ways and Means. Report favorable, with amendment, and bill passed February 27.

By Mr. PAYNE—

1870.

Dec. 1. To regulate the publication of legal notices in the county of Blount. Ordered to a second reading. Passed December 2.

1871.

Jan. 27. For the relief of Margaret Murphee of Blount county, from the disabilities of minority. Referred to the Committee on Local Legislation. Report adverse and concurred in February 12.

Jan. 27. To prohibit the sale of spirituous, vinous or malt liquors in, or within three miles of Blountsville, Blount county. Referred to the Committee on Corporations. Report favorable, and bill passed February 21.

Jan. 27. To prohibit the sale, making or giving away of spirituous liquors within two miles of Chalybeate Academy. Referred to the Committee on Corporations. Report favorable, bill amended and passed February 21.

Jan. 27. To prohibit the sale, making or giving away of spirituous, vinous or malt liquors in one mile of the school house located at Walnut Grove, Etowah county. Referred to the Committee on Corporations. Report favorable, and bill passed February 25.

Jan. 27. To declare Lewis P. French, a liner between the counties of Blount and Marshall, a citizen of

By Mr. PAYNE—Continued.

- Blount. Referred to the Committee on Counties and County Boundaries. Substitute reported, and bill passed March 7.
- Jan. 27. To amend an act entitled "an act to legalize an election held on the 4th and 5th days of February, 1868. Referred to the Committee on Privileges and Elections. Report adverse, and concurred in February 28.
- Feb. 2. For the special construction, for the county of Blount, State of Alabama, of section 2360 of the Revised Code of Alabama. Referred to the Committee on Revision of the Laws.
- Feb. 8. To repeal section 3207 of the Revised Code of Alabama, so far as it relates to Blount county. Passed forthwith.
- Feb. 2. For the relief of Robert H. Wilson of Blount county. Referred to the committee on Appropriations.
- Feb. 17. To prohibit the sale, giving away or otherwise disposing of vinous or spirituous liquors within two miles of Village Springs, in Blount or Jefferson counties. Referred to the committee on Corporations.
- March 1. To repeal "an act to legalize an election held in the county of Blount, on the 4th and 5th days of February, 1868," approved March 3, 1870. Passed forthwith.

By Mr. PERRIN—

1870.

- March 25. To reduce the pay of the members of the General Assembly of Alabama. Ordered to a second reading. Referred to the Committee on Fees and Salaries November 30. Report adverse, and concurred in February 2, 1871.
- Dec. 13. To amend section 4338 of the Revised Code of Alabama. Referred to the Judiciary Committee.
- Dec. 15. To create liens on growing crops, in favor of merchants making advancements. Referred to the Committee on Agriculture and Commerce. Report adverse, and concurred in January 30, 1871.

By Mr. PAYNE—Continued.

Jan. 23. To prevent the sale of vinous or spirituous liquors within three quarters of a mile of the residence of Rev. John Wilmer. Referred to the Committee on Corporations.

Feb. 7. For the relief of George O. Logan of Lowndes county, of the disabilities of non-age. Referred to the committee on Education. Report favorable, and bill passed February 27.

Feb. 17. To incorporate the town of Allenton, Wilcox county. Referred to the committee on Corporations. Report favorable, and bill passed February 21.

By Mr. POWELL—

Nov. 26. To repeal an act entitled “an act for the suppression of secret organizations of men disguising themselves for the purpose of committing crimes and outrages,” approved December 6th, 1868. Ordered to a second reading. Report favorable, and bill ordered to a third reading December 10. Passed January 27, 1871.

Nov. 26. To repeal an act entitled an act to regulate the publication of legal and other notices in the State of Alabama. Ordered to a second reading. Referred to the Judiciary Committee November 30. Report favorable, with amendment, but bill passed December 10.

Nov. 26. To amend an act entitled “an act to authorize the appointment of a guardian *ad litem* for each county,” approved August 3, 1868. Ordered to a second reading. Substitute adopted, and bill passed November 30.

Dec. 14. To remove the administration of the estate of James W. Powers, deceased, from the county of Wilcox to the county of Butler. Referred to the committee on Local Legislation. Report favorable, and bill passed February 13, 1871.

Dec. 14. To amend an act entitled “an act for the relief of the solicitors of the counties of Macon, Monroe and Baldwin. Referred to the Committee on Fees and Salaries. Substitute reported and bill passed February 2.

By Mr. POWELL—Continued.

Dec. 14. To punish parties for shooting into a dwelling house, or a house of any kind in which a human being may reside after night. Referred to the Military Committee.

1871.

Jan. 19. To make Missouri Kingsberry and Mary M. Howell, free-dealers. Read first and second times. Referred to the committee on Local Legislation. Report adverse, and concurred in February 13.

Jan. 27. To amend section 96 of "an act to regulate elections in this State," approved October 8, 1868. Referred to the Judiciary Committee.

Jan. 27. To authorize A. B. Peacock, administrator *de bonis non*, of the estate of Edward P. Brooks, late of Butler county, deceased, to sell certain lands belonging to said estate at private sale. Referred to the Judiciary Committee. Report favorable, and bill passed March 8.

Jan. 27. To regulate the duties of the circuit judges and chancellors in this State. Referred to the Judiciary Committee.

Jan. 27. To amend section 1282 of the Revised Code of Alabama. Referred to the Committee on Agriculture and Commerce. Report favorable, and bill passed March 2.

Feb. 8. To prohibit hunting on Router's Branch and Persimmon Creek, in Butler county. Referred to the committee on Local Legislation. Report favorable, and bill passed February 24.

Feb. 8. To abolish the county court of Butler county. Referred to the Judiciary committee. Report favorable, and passed February 21.

Dec. 8. To establish a criminal court for the county of Butler, with criminal and civil jurisdiction. Referred to the Judiciary committee. Report favorable, and passed February 21.

Feb. 8. For the relief of Mrs. Ellen Payne Jordan of Lowndes county. Referred to the Judiciary committee.

Feb. 8. To repeal an act entitled "An act for the protection of plantations and lands against depreda-

By Mr. POWELL—Continued.

- tions of stock in Lowndes county, Alabama," approved December 31, 1868. Referred to the committee on Agriculture and Commerce.
- Feb. 17. To empower administrators, executors, sheriffs and overseers to administer oaths to appraisers of property belonging to estates of deceased persons. Referred to the Judiciary Committee.
- Feb. 17. To apprehend horse thieves in the State of Alabama. Referred to the Judiciary committee.
- Feb. 17. To repeal an act entitled "An act to authorize the publication of the laws of the State of Alabama," approved October 10, 1868. Referred to the Judiciary committee.
- Feb. 17. To restrict the number of jurors in special cases in Butler county to fifty. Referred to the committee on Revision of Laws.
- Feb. 21. To incorporate the town of Greenville, in Butler county. Passed forthwith.
- March 1. To prevent railroad companies in this State from discriminating between local and through freights. Amended, and passed forthwith.
- March 1. To authorize the Governor to issue to railroad companies, bonds payable in coin. Referred to the Judiciary committee.

By Mr. RAISLER—

- Nov. 25. To repeal an act entitled "An act to amend an act entitled 'An act to establish revenue laws for the State of Alabama.'" Ordered to a second reading. Referred to committee on Ways and Means. Report favorable, with an amendment, and bill passed December 9.
- Nov. 26. To amend section 3439 of the Revised Code of Alabama. Ordered to a second reading. Referred to the Judiciary committee December 1. Report favorable, with amendment, and bill passed February 6.
- Dec. 1. To amend section 2877 of the Revised Code of Alabama. Ordered to a second reading. Referred to the Judiciary committee December 3. Report adverse, and concurred in, February 6, 1871.

By Mr. RAISLER—Continued.

- Dec. 1. To increase the fees of jurors in the counties of Limestone and Crenshaw. Ordered to a second reading. Referred to the committee on Fees and Salaries December 3. Report favorable, and bill laid on the table February 2.
- Dec. 2. To amend section 2226 of the Revised Code of Alabama. Referred to the Judiciary committee. Report adverse, and concurred in December 14.
- Dec. 9. To amend an act entitled "An act to furnish the aid and credit of the State of Alabama, for the purpose of expediting the construction of railroads within the State." Referred to the committee on Internal Improvements.

1871.

- Jan. 20. To repeal sections 1858, 1859 and 1860 of the Revised Code of Alabama. Referred to the Judiciary committee.
- Jan. 20. To repeal an act to amend section 1099 of the Code of Alabama, so far as the same relates to Limestone county. Referred to the Committee on Revision of the Laws. Report favorable, and bill passed February 4.
- Jan. 20. To regulate the time of holding the chancery court for the 4th district of the northern chancery division. Referred to the committee on Local Legislation. Recommitted to the Judiciary committee January 27.
- Jan. 20. To establish a new charter for the town of Athens, in the county of Limestone. Referred to the committee on Corporations. Report favorable, and bill passed January 30.
- Feb. 4. To restrain the tax collector of Limestone county from collecting certain taxes therein named. Referred to the committee on Ways and Means. Recommitted to a Select committee February 7. Report favorable, and bill passed February 9.
- Feb. 17. To authorize appeals from judgments rendered against the county, or the commissioners court of the county of Limestone. Passed forthwith.

By Mr. RAISLER—Continued.

Feb. 17. To consolidate the funds of fines and forfeitures and general fund of the county of Limestone. Referred to the Committee on Revision of the Laws.

Feb. 4. To appropriate the county tax derived from railroads in Limestone county, to building a bridge over Elk River, in said county. Referred to the Committee on Internal Improvements. Report favorable, and bill passed March 2.

By Mr. RICE—

1870.

Nov. 25. To compel administrators, executors and guardians, to make final settlement. Ordered to a second reading. Referred to Judiciary committee November 30. Report adverse, and concurred in December 14.

Nov. 26. To compel administrators, executors and guardians, to make annual settlements. Ordered to a second reading. Referred to the Judiciary Committee, December 1.

Dec. 13. Presented a petition. Referred to a Select committee.

1871.

Jan. 31. To regulate the sale of delinquent land and town lots in the county of Madison. Referred to the Committee on Local Legislation.

Jan. 31. To provide for the filing in the office of the probate judge, certain papers therein named. Referred to the Committee on Ways and Means.

Jan. 31. To repeal sections 121, 122 and 123 of an act entitled "An act to establish revenue laws for State of Alabama," approved December 31, 1868. Referred to the Committee on Ways and Means. General revenue bill reported and passed February 21.

By Mr. SEMMES—

1870.

Nov. 26. To repeal an act entitled An act to relieve disabilities of persons against whom a divorce from the bonds of matrimony has been decreed.

By Mr. SEMMES—Continued.

Ordered to a second reading. Referred to the Judiciary Committee December 1. Report favorable, and bill passed January 25.

Dec. 1. To repeal an act entitled An act to regulate lotteries. Ordered to a second reading. Referred to the Judiciary Committee December 3. Report favorable, and bill passed January 24.

Dec 1. To amend an act entitled An act in relation to appeals from justices' courts. Ordered to a second reading. Referred to the Judiciary Committee December 3. Substitute reported. Recommitted to same committee January 25. Report favorable, with amendment, and bill passed February 27.

Dec. 1. To repeal an act entitled An act to amend section 2931 of the Revised Code of Alabama. Ordered to a second reading. Referred to the Judiciary Committee December 3. Report adverse January 25. Concurred in January 26.

Dec. 2. To repeal section 9 of an act to reorganize the municipal government of the city of Mobile, and to provide for the election of the officers thereof. Referred to the committee on Corporations. Report favorable, and bill passed December 14.

Dec. 3. To amend section 1827 of the Revised Code of Alabama. Referred to the Judiciary Committee. Substitute reported February 9.

1871.

Jan. 20. To regulate the collection of taxes in Washington county. Referred to the committee on Ways and Means. Report adverse, and concurred in January 28.

Feb. 7. For the protection of persons occupying rooms in hotels. Referred to the Judiciary Committee.

Feb. 17. For the relief of E. B. Lott, tax collector of Mobile county. Referred to the committee on Ways and Means.

Feb. 17. To prevent the destruction of game in this State. Referred to the committee on the Military.

Feb. 23. To provide for the bond of the tax collector of Mobile county. Passed forthwith.

By Mr. SIMMS—

1870.

Dec. 1. For the relief of George W. Ogletree, of the county of Lee. Ordered to a second reading. Referred to the committee on Local Legislation December 2. Report adverse, and concurred in February 13, 1871.

Dec. 9. For the relief of Silas Bradshaw, of the county of Lee. Referred to the committee on Local Legislation. Report adverse, and concurred in February 13.

1871.

Feb. 7. To amend an act entitled An act to amend an act entitled an act to incorporate the schools of Loachapoka, in the county of Macon, approved March 1, 1870. Referred to the committee on Corporations. Report favorable February 21. Bill passed February 23.

March 6. To authorize appeals to the Supreme Court and proceedings in chancery for the correction of errors in certain cases. Referred to the Judiciary Committee.

By Mr. SMITH of Choctaw—

1870.

Nov. 25. To amend section 1283 of the Revised Code of Alabama. Ordered to a second reading. Referred to the Judiciary Committee November 30. Report adverse December 14. Concurred in January 27, 1871.

Nov. 25. To increase the pay of witnesses and jurors in Choctaw county. Referred to the Judiciary Committee. Report adverse, and concurred in December 14.

Dec. 1. To amend an act to increase the pay of the court of county commissioners of Choctaw county, approved October 10, 1868. Ordered to a second reading. Referred to the committee on Fees and Salaries December 2. Report favorable, and bill passed December 14.

Dec. 2. For the benefit of plaintiffs in attachment suits. Referred to the Judiciary Committee.

By Mr. SMITH of Choctaw—Continued.

Dec. 2. To amend section 2660 of the Revised Code of Alabama. Referred to the Judiciary Committee. Report favorable, and bill passed January 24.

Dec. 2. To limit the powers of the commissioners' court of Choctaw county, Alabama. Referred to the Judiciary Committee, Recommended to the committee on Local Legislation December 10. Report favorable, and bill passed December 14.

Dec. 5. For the relief of William B. Jackson, of Marengo county. Referred to the Judiciary Committee.

Dec. 8. To make Mrs. Sarah J. Ward, wife of E. H. Ward, of Choctaw county, a free dealer. Referred to the Judiciary Committee. Bill passed January 25, 1871.

Dec. 13. To secure justices of the peace and notaries public in their fees in certain cases. Referred to the Judiciary Committee. Report favorable, with amendments, and bill passed February 9.

1871.

Jan. 28. In relation to the official bonds of county officers. Referred to the Judiciary Committee. Report favorable, and bill ordered to a third reading March 8.

Jan. 28. To provide a remedy for the negligence of steamboats and other water craft navigating the public highways in Alabama. Referred to the Judiciary Committee.

Jan. 28. (With memorial,) To prevent the sale of spirituous liquors within two miles of the town of Pushmataha, in Choctaw county. Referred to the committee on Local Legislation. Report favorable, and bill passed February 8.

Jan. 28. To amend section 2704 of the Revised Code of Alabama. Referred to the committee on Revision of the Laws. Report adverse, and concurred in, and vote reconsidered February 4.

Jan. 28. To repeal an act to increase the *ex officio* pay of the sheriff of Choctaw county. Referred to the committee on Fees and Salaries. Report favorable, and bill passed February 2.

By Mr. SMITH of Choctaw—Continued.

- Jan. 28. To decrease the pay of the commissioners' court of Choctaw county. Referred to the committee on Fees and Salaries. Report favorable, and bill passed February 2.
- Jan. 28. To amend section 4 of an act entitled An act to establish revenue laws for the State of Alabama, approved December 31, 1868. Referred to the committee on Ways and Means. General revenue bill reported, and passed February 21.
- Jan. 28. (With petition,) To incorporate the trustees of the male and female seminary at Mount Sterling, Alabama. Referred to the committee on Corporations. Substitute reported, and passed February 25.
- Jan. 28. To amend an act to incorporate the Red Mountain Iron and Coal Company. Referred to the committee on Corporations. Report favorable, and bill passed February 25.
- Jan. 31. To amend subdivision 4 of section 112 of an act entitled An act to establish revenue laws for the State of Alabama, approved December 31, 1868. Referred to the committee on Ways and Means. General revenue bill reported, and passed February 21.
- Feb. 2. To allow writs of garnishment in certain cases. Referred to the Judiciary Committee.
- Feb. 5. To legalize the sale of certain lands in Alabama. Referred to the committee on Ways and Means.
- Feb. 5. To amend section 2, and to add additional sections to "an act to authorize M. L. Young to improve the navigation of Bassett's creek, in Washington county, Alabama," approved February 19, 1867. Referred to the Committee on Local Legislation. Recommitted to the committee on Internal Improvements February 13.
- Feb. 5. To authorize the execution of the last will and testament of F. L. Deason, deceased, to sell certain lands at private sale. Passed forthwith.
- Feb. 9. (Reported,) To provide for the repairs and improvements of the Alabama Institution for the Deaf and Dumb and the Blind. Passed forthwith.

By Mr. SMITH of Choctaw—Continued.

- Feb. 24. To provide an additional term of the chancery court for the 11th district of the middle chancery division, composed of St. Clair county. Passed forthwith.
- Feb. 24. To authorize judges of probate courts to grant bail in certain cases. Referred to the Judiciary committee. Report favorable, and bill ordered to a third reading March 5.
- Feb. 24. To make Mrs. L. Johnston and Mrs. S. J. Wharton of Choctaw county, free-dealers. Referred to the Committee on Local Legislation. Report adverse, and concurred in March 2.
- Feb. 25. To repeal certain acts therein named, so far as they relate to the county of Choctaw. Passed forthwith.
- March 1. To relieve William Harris Coleman, jr., of the county of Washington, of the disabilities of non-age. Ordered to a third reading. Read third time and passed March 6.
- March 1. To make certain persons therein named, free-dealers. Passed forthwith.
- March 1. To amend section 1522 of the Revised Code of Alabama. Passed forthwith.

By Mr. SMITH of Greene—

1870.

- Nov. 26. To repeal an act approved February 7, 1870, to authorize the commissioners courts of Sumter, Perry and Greene counties, to levy a special tax in said counties, for the purpose of working the public roads in said counties. Ordered to a second reading. Referred to the committee on Local Legislation. Report favorable, and bill passed December 14.
- Dec. 14. To make Mrs. Lizzie S. Oliver, wife of William C. Oliver of Crenshaw county, and others therein named, free-dealers. Referred to the Committee on Local Legislation. Report adverse, and concurred in February 13.

1871.

- Jan. 28. Joint resolution in relation to the removal of the National Capital. Referred to the Committee on Federal Relations.

By Mr. SMITH of Greene—Continued.

- Jan. 31. To repeal an act for the enclosure of stock in the county of Greene. Passed forthwith.
- Jan. 31. To amend section 2258 of the Revised Code of Alabama. Referred to the committee on Revision of the Laws.
- Jan. 31. To amend section 1987 of the Revised Code of Alabama, and to repeal section 2002, so far as applies to general administrators. Referred to the Committee on Revision of the Laws.
- Feb. 5. For the relief of Newton F. Smith, tax collector of Greene county, and the sureties on his official bond. Referred to the committee on Ways and Means.
- Feb. 17. To empower John W. Martin of Tuskaloosa county, to sell and convey certain real estate. Referred to the Committee on Revision of the Laws.
- March 8. For the relief of Newton F. Smith, tax collector of Greene county, and the sureties on his official bond. Ordered to a third reading. Passed March 9.

By Mr. SMITH of Sumter—
1870.

- Dec. 13. (With a petition). To repeal an act entitled "an act to register and pay debts of Sumter county," approved March 1, 1870. Referred to the Judiciary Committee. Substitute reported, and bill passed February 9, 1871.
- Dec. 13. To relieve Benjamin W. Little of Sumter county, from the disabilities of minority. Referred to the committee on Local Legislation. Report adverse, and concurred in February 13, 1871.
- Dec. 13. To abolish fences and enclosures in certain localities in the county of Macon. Referred to the committee on Local Legislation. Report favorable, with amendments, February 13.

1871.

- Jan. 23. To make the sheriff of Sumter county *ex-officio* the tax collector of said county. Referred to the committee on Ways and Means. Report favorable, and bill passed February 17.

By Mr. SMITH of Sumter—Continued.

Jan. 23. For the better protection of owners of land in payments by railroad companies, their lessees and agents, for rights of way and other privileges. Referred to the Judiciary Committee.

Jan. 23. Providing a more convenient mode of suing railroad companies in the State of Alabama. Referred to the Judiciary Committee.

Jan. 23. To establish uniform rates of freight and travel on the railroads within the State of Alabama. Referred to the Judiciary Committee.

Jn. 23. To regulate office hours for the sale of tickets to the traveling public on railroads in the State of Alabama. Referred to the Judiciary Committee.

Feb. 17. To authorize the owners of steam grist mills and other grist mills, to receive one-sixth (1-6) as toll in compensation in Sumter county for services rendered. Referred to the Committee on Local Legislation. Report favorable, with amendment, and bill passed February 24.

Feb. 17. To define the corporate boundaries of the town of Livingston, Sumter county. Referred to the Committee on Corporations. Report favorable, and bill passed February 27.

Feb. 17. To protect enclosed plantations, farms and other grounds in portions of Decatur county. Referred to the Committee on Agriculture and Commerce.

Feb. 23. To Joint Resolution of sympathy for certain recently incarcerated sons of Ireland, and tendering them our hearty congratulations upon their release from prison. Adopted.

Feb. 28. To make Mary R. Gowdey of Sumter county, a free-dealer. Passed forthwith.

March 1. For the relief of Benjamin Hawkins, and to reimburse money paid by him improperly for license as a dentist. Referred to the Committee on Ways and Means.

By Mr. SMITHERMAN—

1871.

Jan. 27. To incorporate the trustees of the Presbytery of South Alabama. Referred to the committee

By Mr. SMITHERMAN—Continued.

on Corporations. Report adverse, and concurred in February 27.

Feb. 13. To amend the 14th section of the charter of the Selma and Gulf railroad company. Referred to the committee on Corporations. Report favorable, with amendment, and bill passed February 25.

Feb. 17. (With petition). To change the boundary line between the counties of Perry and Bibb. Referred to the committee on Counties and County Boundaries.

Feb 17. To add a part of Dallas county to Baker county. Referred to the committee on Counties and County Boundaries.

By Mr. SPEAKE—

1870.

Dec. 1. To prevent illegal voting. Ordered to a second reading. Referred to the committee on Privileges and Elections Dec. 2.

Dec. 1. To amend section 17 of an act entitled "An act to establish revenue laws for the State of Alabama." Ordered to a second reading. Amended, and referred to the committee on Ways and Means December 2. General revenue bill reported and passed February 21, 1871.

Dec. 9. To amend an act entitled "An act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence." Referred to committee on Local Legislation. Report favorable, and bill passed February 8, 1871.

1871.

Jan 20. For the relief of D. L. Dinsmen, of Lawrence county. Referred to the committee on Fees and Salaries. Report adverse, and concurred in February 2.

Jan. 20. To provide compensation for county treasurers. Read and laid on the table.

By Mr. SPEAKE—Continued

Jan. 20. (With a petition). For the relief of the heirs of Joseph H. Stanley. Referred to the committee on Local Legislation. Report favorable, and bill passed February 8.

Jan. 31. To amend section 6 of an act entitled "An act to incorporate the Baptist Female Institute at Moulton," approved February 8, 1852, with amendment, approved March 3, 1870. Passed forthwith.

Jan. 20. For the relief of James H. Ballentine and Elmira C. Swoop, representative of E. M. Swoop, deceased. Passed forthwith.

By Mr. SPEED—

1871.

Jan. 27. To prohibit the game known and styled as "the old lady, the baby, and the star." Laid on the table.

Jan. 27. To protect railroads in this State. Referred to committee on Internal Improvements.

Feb. 2. To prevent the evil practice of gambling. Referred to the committee on Revision of the Laws.

Feb. 5. To prevent the sale of spirituous liquors within two miles of Nappa Church, on Line Creek, in Bullock county. Referred to the committee on Corporations.

By Mr. STEELE—

1870.

Dec. 9. To regulate the equity jurisdiction of circuit courts in this State. Referred to the Judiciary Committee.

Dec. 9. (With a petition). To authorize the court of county commissioners of Colbert county to issue bonds for county purposes. Referred to the Committee on Local Legislation. Report favorable, and bill passed December 14.

Dec. 15. To repeal sections 1858, 1859 and 1860, part 2, title 2, chapter 3, Revised Code of Alabama. Referred to the Judiciary committee.

By Mr. STEELE—Continued.

1871.

Jan. 23. To amend section 2409 of the Revised Code of Alabama. Referred to the committee on the Revision of Laws. Report adverse, and concurred in February 4.

Jan. 30. To amend section 1898 and 1901 of the Revised Code of Alabama. Referred to the committee on the Revision of Laws. Report adverse, and concurred in February 4.

Feb. 17. For the relief of William S. Gray, of Colbert county. Referred to the committee on Local Legislation. Recommitted to the committee on Ways and Means February 24.

Feb. 17. To apportion representation to Colbert county. Referred to the committee on Privileges and Elections.

Feb. 23. To provide for the payment of the interest due and unpaid upon the valid claims against the State on account of the failure of the Alabama and Chattanooga railroad company to pay said interest. Read first and second times. Passed February 24.

Feb. 27. To provide for the payment of the interest due and unpaid upon the valid claims against the State on account of the failure of the Alabama and Chattanooga railroad company to pay said interest. Passed forthwith.

By Mr. ST. CLAIR—

1871.

Feb. 5. To allow interest on all claims against Macon county. Referred to the committee on Ways and Means.

By Mr. STRAUSS—

1870.

Nov 25. To amend section 12 of an act entitled "An act to re-organize the municipal government of the city of Mobile, and to provide for the election of the officers thereof. Ordered to a second reading. Passed November 30.

Dec. 1. To repeal an act entitled "An act to establish a Mutual Aid Association, and to raise funds for

By Mr. STRAUSS—Continued.

the common school system." Ordered to a second reading. Referred to the Judiciary committee December 3. Report favorable, and bill passed January 25, 1871.

Dec. 1. To repeal an act entitled "An act to establish a Masonic Home in Chambers county." Ordered to a second reading. Referred to the Judiciary committee December 3. Report favorable, and the bill passed January 25, 1871.

Dec. 1. To repeal an act entitled "An act to establish the Mobile Charitable Association for the benefit of the common school fund of Mobile county, without distinction of color." Referred to the Judiciary Committee. Report favorable, and bill passed December 14.

Jan. 20. To confer certain powers upon the mayor, aldermen and common council of the city of Mobile. Referred to the Committee on Corporations. Report favorable, with amendment, and bill passed January 30.

Jan. 28. To authorize the corporate authorities of the city of Mobile, to issue bonds to the amount of four hundred thousand dollars. Referred to the Committee on Ways and Means.

Feb. 1. To relieve Soloman Heidelburger, of the county of Mobile, and Isaac P. and Willie E. Chambers, of the county of Henry, of the disabilities of non-age. Referred to the Committee on Local Legislation. Report adverse, and concurred in February 13.

Feb. 1. To amend the charter of the Washington Fire and Marine Insurance Company of Mobile. Referred to the Committee on Corporations. Report favorable, and bill passed February 25.

Feb. 8. To expedite the improvement of the river, bay and harbor of Mobile. Referred to the Committee on Internal Improvements.

Feb. 8. In relation to the Bienville Water Works of the city and county of Mobile. Referred to the Committee on Corporations. Report favorable, and bill passed February 25.

By Mr. STRAUSS—Continued.

Mar. 6. To provide for the incidental and contingent expenses of the State for the fiscal year ending September 30, 1871. Passed forthwith.

By Mr. STROBACH—

1870.

Dec. 2. To amend section 2 of an act entitled An act to incorporate the Alabama Fire Engine No. 2, approved February 12, 1856. Passed forthwith.

Feb. 5. Presented the certificate of George Forrester as a member elect from Randolph county.

Dec. 13. To provide for a more efficient system of working on public roads in Montgomery county. Referred to the Committee on Roads and Public Highways. Report adverse, and concurred in February 4, 1871.

Dec. 15. For the relief of Johns and Naftel. Passed forthwith.

1871.

Jan. 20. For the relief of Messrs. Schmidt & O'Brien. Referred to the Committee on Accounts and Claims. Report favorable, and bill passed February 1.

Jan. 23. For the relief of J. R. Forbes, a minor of Montgomery county. Referred to the Committee on Local Legislation. Report adverse, and concurred in February 13.

Jan. 25. Joint resolution to provide for the sale of Smith's Alabama Reports by the Secretary of State. Adopted.

Feb. 1. To amend an act entitled an act to amend An act to incorporate the Montgomery and Pickett Springs Gravel Road Company. Referred to a select committee. Report favorable, and bill passed February 21.

Feb. 1. To amend an act entitled An act to incorporate the Montgomery and Pickett Springs Gravel Road Company. Referred to a select committee. Report favorable, and the bill passed February 21. Vote reconsidered February 23. Amended and recommitted to Committee on Corporations February 24. Report favorable, with amendment, and bill passed February 27.

By Mr. STROBACH—Continued.

- Feb. 4. For the relief of Thomas Merriwether, of the county of Montgomery, Alabama. Referred to the Committee on Local Legislation. Re-committed to the Committee on Ways and Means February 13. Report adverse, but not concurred in, and bill passed February 27.
- Feb. 27. For the relief of John T. Cowley, of Montgomery county. Referred to the Committee on Ways and Means.
- Feb. 28. To amend the charter and change the name of the Montgomery Mechanics Association. Passed forthwith.
- Mar. 4. (Reported). Joint resolution, relative to hoisting the national flag on the capitol. Ordered to a third reading.
- Mar. 6. To make certain married women therein named free-dealers. Passed forthwith.
- Feb. 8. Joint resolution, to construe the joint resolution providing for adjournment *sine die*. Postponed until next day.

By Mr. TAYLOR of Lauderdale—

1870.

- Nov. 26. To regulate the fees of executors and administrators. Ordered to a second reading. Referred to the committee on Fees and Salaries. Report adverse, and concurred in February 2, 1871.
- Nov. 2. To increase the pay of grand and petit jurors in the county of Lauderdale. Referred to the Committee on Local Legislation. Report favorable, and bill passed December 14.
- Dec. 13. To incorporate the North Alabama Conference of the Methodist Episcopal Church South. Referred to the Judiciary Committee.
- Dec. 13. To amend an act entitled "an act to incorporate the Florence Wesleyan University," passed February 14, 1856. Referred to the committee on Corporations. Report favorable, and bill passed January 30.

1871.

- Jan. 20. To amend section 1323 of the Revised Code of Alabama. Referred to the Committee on the

By Mr. TAYLOR of Lauderdale—Continued.

- Revision of the Laws. Report favorable, with amendments, and bill passed February 4.
- Jan. 20. To prohibit attorneys in certain cases from practicing their profession in probate and chancery courts. Referred to the Committee on the Revision of the Laws. Report favorable, with amendments, and bill passed February 4.
- Jan. 20. To repeal "an act to increase the compensation of executors, administrators, guardians and county commissioners in Lauderdale county," approved February 19, 1867. Referred to the Committee on the Revision of the Laws. Report favorable, and bill passed February 4.
- Jan. 31. To amend an act to incorporate the Annual Alabama Conference of the Methodist Episcopal Church South, approved February 27, 1852, and an act amendatory of said act, approved March 3, 1870. Referred to the Judiciary Committee.
- Jan. 31. To amend section 2 of an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State, approved February 21, 1870. Referred to the Judiciary Committee.
- Jan. 31. For the relief of Moses H. Crittenden. Referred to the Committee on Local Legislation. Report adverse, and concurred in February 13.
- Jan. 31. To secure to land owners and other persons the collection of their rents. Referred to the Committee on Agriculture and Commerce.
- Feb. 9. To amend section one of an act supplementary to an act to establish revenue laws for the State of Alabama, passed by the House of Representatives, December 22, 1868, and by the Senate December 26, 1868. Referred to the Committee on Ways and Means. Substitute reported, and passed February 21.

By Mr. TAYLOR of Winston—
1870.

- Dec. 10. (With a petition), To legalize the tax sales of real estate made in the county of Winston.

By Mr. TAYLOR of Winston—Continued.

Referred to the Committee on Ways and Means. Report favorable, with amendment, and bill passed January 28.

Dec. 13. To authorize the commissioners court of Winston county to levy a special tax to build a court-house and jail. Passed forthwith.

1871.

Jan. 23. To require the tax collector of Winston county to take jury claims in payment of county tax. Referred to the Committee on Local Legislation. Report favorable, and bill passed February 13.

Jan. 31. To make Mrs. Theresa J. Wilson of Winston county, a free-dealer. Referred to the committee on Local Legislation. Report adverse, and concurred in February 13.

By Mr. THOMPSON—

1870.

Dec. 9. To regulate the receipt and disbursement of the fund known as the fine and forfeiture fund. Referred to the Judiciary Committee.

Dec. 9. To amend section 114 of an act entitled "an act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to the Committee on Ways and Means. General revenue bill reported and passed February 21, 1871.

1871.

Feb. 1. For the relief of Rhody Johnson of Montgomery county. Referred to the Committee on Local Legislation. Recommitted to Judiciary Committee February 13.

Feb. 1. To amend section 2239 of the Revised Code. Referred to the Committee on Revision of the Laws. Report favorable, and bill ordered to a third reading March 6. Postponed indefinitely March 7.

Feb. 1. To repeal sections 1237, 2680 and 4231 of the Revised Code of Alabama. Referred to the Committee on Revision of the Laws.

Feb. 1. To amend section 2996 of the Revised Code of Alabama. Laid on the table.

By Mr. THOMPSON—Continued.

Feb. 7. For the relief of justices of the peace of Montgomery county. Referred to the Judiciary Committee.

Feb. 7. To protect Mortgagees. Referred to the Judiciary Committee.

March 6. To inflict penalties upon common carriers and their agents for violation of law, in making unjust and illegal distinction, based on color, race and previous condition. Ordered to a second reading.

By Mr. TOOMER—

Nov. 25. For the relief of James W. Powers, of Lee county. Ordered to a second reading. Referred to the committee on Local Legislation November 30. Report adverse, and concurred in January 30. Vote reconsidered, and bill passed January 31.

Nov. 25. To make appropriations for the fiscal year ending September 30, 1871. Ordered to a second reading. Referred to the committee on Ways and Means November 30. Report favorable, with amendments, and bill passed December 9.

Dec. 1. To amend section 1316 (1315) of the Revised Code of Alabama. Ordered to a second reading. Referred to the Judiciary Committee December 3. Report favorable, and bill passed January 25.

Dec. 3. Joint resolution providing for a joint committee to consider and propose amendments to the Constitution of Alabama, for the action of the General Assembly. Laid on the table. Vote reconsidered, and joint resolution adopted December 5.

Dec. 9. To relieve R. L. B. Owen and Walter Robinson, of the county of Lee, of the disabilities of non-age. Referred to the Committee on Local Legislation. Report adverse, and concurred in January 30.

Dec. 15. For the relief of C. W. Yancey, of Lee county. Referred to the committee on Local Legislation. Report adverse, and concurred in February 13.

By Mr. TOOMER—Continued.

Dec. 15. For the relief of V. A. Sanders, of Lee county. Referred to the Committee on Local Legislation. Report adverse, and concurred in February 13.

1871.

Jan. 20. To extend the remedy for forcible entry and detainer, and unlawful detainer. Referred to the Judiciary Committee.

Jan. 20. To repeal the 2d subdivision of section 77 of the Revised Code of Alabama. Referred to the committee on Ways and Means. Report favorable, and bill passed January 28.

Jan. 20. For the relief of Excel Tucker, of Lee county. Referred to the committee on Local Legislation. Report adverse, and concurred in February 13.

Jan. 20. For the relief of William P. Jones, of Lee county, and John McLelland, of Chambers county. Referred to the committee on Local Legislation. Report adverse, and concurred in February 13.

Jan. 20. To provide for procuring the right of way of railroad companies in this State. Referred to the Committee on Internal Improvements. Report adverse, and concurred in January 30.

Jan. 20. To require electors in this State to vote in the precinct in which they may reside. Amended and referred to the committee on Revision of the Laws. Recommitted to the Judiciary Committee February 4.

Jan. 20. Joint resolution for the relief of J. & B. Trimble, of Montgomery county. Referred to the committee on Accounts and Claims. Report favorable, and passed February 4.

Jan. 31. To amend section 2660, chapter 9, part 3, title 1, of the Revised Code of Alabama. Referred to the committee on Revision of the Laws.

Jan. 31. To amend section 2665 of the Revised Code of Alabama. Referred to the committee on Revision of the Laws.

Jan. 31. To prevent prize fighting in the State of Alabama. Amended, and passed forthwith.

By Mr. TOOMER—Continued.

- Jan. 31. To amend an act in relation to chancery courts in Alabama. Referred to a select committee.
- Jan. 31. To make Mrs. A. P. Key, wife of H. A. Key, of Lee county, a free dealer. Amended, and referred to the committee on Local Legislation. Report adverse, and concurred in February 13.
- Feb. 4. To amend section 2239 of the Revised Code of Alabama. Referred to the Committee on Revision of the Laws.
- Feb. 4. For the relief of George W. Henderson, of Lee county. Referred to the committee on Local Legislation. Report favorable, and bill passed February 13.
- Feb. 17. Making Mrs. Clara F. Newsom, of Lee county, a free dealer. Referred to the committee on Local Legislation. Substitute reported and passed February 24.
- Feb. 17. To repeal an act entitled An act to empower the commissioners' court of Chambers county to issue bonds for the purpose of liquidating the present indebtedness of the county. Referred to the committee on Revision of the Laws.
- Feb. 17. To fix the time of holding the circuit courts in the 9th judicial circuit of Alabama. Referred to a select committee. Report favorable, and bill passed February 21.
- Feb. 27. Memorial of the East Alabama Agricultural Society on the subject of pisciculture. Referred to a select committee.
- March 1. To relieve the tax collector of Pike county. Passed forthwith.
- March 1. For the improvement of the State capitol and capitol grounds. Referred to the committee on the State Capitol. Report favorable, but bill lost March 4.
- March 6. To amend an act to empower the commissioners' court of Chambers county to issue bonds for purpose of liquidating the present indebtedness of the county. Referred to the committee on Revision of the Laws.
- March 9. For the relief of F. B. Randolph. Passed forthwith.

By Mr. TOULMIN—
1870.

Nov. 25. To repeal an act entitled An act for the relief of laborers and employers. Ordered to a second reading. Referred to the Judiciary Committee Nov. 30. Report favorable, and bill ordered to a third reading December 10. Passed January 27, 1871.

Dec. 1. To make Mrs. Eliza Robertson, of Mobile county, a free-dealer. Ordered to a second reading. Referred to the Committee on Local Legislation December 3. Report adverse, and concurred in February 13, 1871.

Dec. 1. To restore civil jurisdiction to the city court of Mobile. Referred to the Judiciary Committee. Report favorable, and bill passed December 10.

Dec. 2. To authorize writs of garnishment against incorporated cities, towns and villages. Referred to the Judiciary Committee. Report favorable, and bill passed December 14.

Dec. 9. To repeal an act entitled An act to extend the jurisdiction, powers and duties of the harbor master and port wardens of Mobile. Passed forthwith.

Dec. 15. To relieve the Mobile Exchange and General Insurance Company from the forfeiture of its charter. Referred to the Committee on Corporations. Report favorable, and bill passed January 30, 1871.

1871.

Jan. 20. To amend section 1831 of the Revised Code of Alabama. Referred to Judiciary Committee. Substitute reported February 9.

Jan. 20. To establish public holidays. Referred to the Judiciary Committee. Report favorable, and bill passed February 27.

Jan. 20. To amend sub-division 2 of section 2293 of the Revised Code of Alabama. Referred to the Committee on Revision of the Laws. Report adverse, and concurred in February 4. Reconsidered and recommitted to Judiciary Committee February 5,

By Mr. TOULMIN—Continued.

- Jan. 20. (With petition). To allow the collection of toll, and for other purposes, to John J. Delschamp, of Mobile county. Referred to the Committee on Local Legislation. Recommitted to the Judiciary Committee January 27. Report favorable, and bill passed March 2.
- Jan. 20. To provide the mode of taking private property for railroad or other purposes, or for public use. Referred to the Committee on Internal Improvements. Report favorable, and read third time, January 30. Passed January 31.
- Feb. 1. To amend section 1860 of the Revised Code of Alabama. Referred to the Judiciary Committee. Report favorable, and bill passed February 27.
- Feb. 1. To authorize the redemption of lands sold for taxes, and purchased for the State. Referred to the Committee on Ways and Means. Report adverse, but not concurred in, and bill amended and passed February 27.
- Feb. 1. To enable the judge of probate of Mobile county to do and perform certain acts and duties which pertain to the office of county treasurer. Passed forthwith.
- Feb. 1. To amend section 3 of an act to incorporate the Gulf City Insurance Company. Passed forthwith.
- Feb. 1. Joint resolution, to authorize the New Orleans, Mobile and Chattanooga Railroad Company to change the name of said corporation, and to regulate the contracts, obligations and securities under this name. Passed forthwith.
- Feb. 1. In reference to juries in the circuit and city courts of Mobile. Referred to the Committee on Revision of the Laws. Report favorable, and bill passed March 4.
- Feb. 1. (With petition). Defining the duties of the coroner of Mobile county, and for other purposes. Referred to the Committee on Revision of the Laws. Report favorable, with amendment, and bill passed March 4.

By Mr. TOULMIN—Continued.

- Feb. 4. To amend section 1 of an act to empower the Governor to appoint notaries public. Referred to the Judiciary Committee. Report favorable, and bill passed February 25.
- Feb. 7. To authorize the Mobile and Ohio Railroad Company to purchase the railroad constructed by the Mississippi, Gainesville and Tuscaloosa Railroad Company. Referred to the Committee on Internal Improvements.
- Feb. 17. In relation to the competency of witnesses. Referred to the Judiciary Committee.
- Feb. 17. To amend section 2704 of the Revised Code of Alabama. Referred to the Committee on Revision of the Laws.
- Feb. 17. To prescribe and regulate the rights and duties of guardians by nature. Referred to the Committee on Revision of the Laws.
- Feb. 17. To amend sections 4341 and 4342 of the Revised Code of Alabama. Referred to the Committee on Revision of the Laws.
- Feb. 17. (With petition). Making an appropriation in aid of the Medical College of Alabama. Referred to the Committee on Education. Report favorable, with amendments, and bill passed February 27.
- Feb. 24. To enable the city of Mobile to aid and encourage works of internal improvements. Referred to a select committee. Substitute reported on March 1,—withdrawn March 8.
- Mar. 1. Making an appropriation in aid of the Medical College of Alabama. Read twice and made special order. Read third time, and passed March 4.
- Mar. 6. To legalize the acts of notaries public. Ordered to a second reading.
- Mar. 7. To authorize the mayor, aldermen and common council of the city of Mobile, to issue bonds in aid of the Mobile and North-Western Railroad Company. Passed forthwith.
- Mar. 8. To amend section 12, of sub-division 3, of an act entitled An act to establish revenue laws for the State of Alabama, approved December 31, 1868. Passed forthwith.

By Mr. WARE—

1870.

Dec. 1. To Make Nancy Wester, wife of Caleb A. Wester, of Chambers county, a free-dealer. Ordered to a second reading. Referred to the Committee on Local Legislation December 2. Report adverse, and concurred in February 23, 1871.

Feb. 4. To amend sub-division 16 of section 3 of an act entitled "An act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to the committee on Ways and Means. General revenue bill reported and bill passed February 21.

Feb. 5. To make Mrs. Elizabeth M. Howell of Chambers county, a free-dealer. Referred to the committee on Local Legislation. Report adverse, and concurred in February 13.

March. 1. To repeal an act to declare Joseph H. Harris, a liner between the counties of Chambers and Lee, a citizen of Lee county, and to change the line between said counties. Referred to a Select committee. Recommitted to the Committee on Counties and County Boundaries.

March 1. To repeal an act to change the boundary line between the counties of Chambers and Lee. Referred to a Select Committee. Recommitted to the committee on Counties and County Boundaries.

1871.

Jan. 27. To change the time of electing justices of the peace and constables in this State. Substitute adopted, and referred to the Judiciary Committee.

Feb. 2. To incorporate the Male Academy in Chambers county. Referred to the Committee on Corporations.

Feb. 2. To fix the time of holding the chancery courts in the counties of Lee, Chambers, Tallapoosa, Clay and Randolph, in the eastern chancery division of the State of Alabama. Referred to a select committee. Report favorable, but bill was recommitted February 23.

By Mr. WEATHERFORD—

1871.

- Feb. 4. For the relief of Nelly Cray of Colbert county.
Referred to the committee on Local Legislation.
Recommitted to the committee on Ways
and Means, February 13.
- Feb. 4. To abolish the office of tax collector of Franklin
county. Referred to the committee on Ways
and Means. Report favorable, and bill passed
February 27.
- Feb. 4. To abolish the office of tax assessor of Franklin
county. Referred to the committee on Ways
and Means.
- Feb. 4. To divide the county into five commissioners dis-
tricts. Referred to the committee on Ways
and Means. Report favorable, and bill passed
February 27.
- Feb. 4. To provide for the pay of members of the board
of equalization of Franklin county. Referred
to the committee on Ways and Means.
- Feb. 4. To define sub-division 10 of section 112 of an
act entitled "An act to establish revenue laws
for the State of Alabama". Referred to the
committee on Ways and Means. General rev-
enue bill reported, and passed February 21.
- Feb. 17. For the relief of R. S. Watkins of Franklin
county. Referred to the committee on Local
Legislation. Recommitted to the committee
on Education February 24. Report favorable,
and bill passed February 27.

By Mr. WHITE—

1870.

- Nov. 26. To prevent camp-hunting in Covington county.
Ordered to a second reading. Referred to the
committee Local Legislation, November 30.
Report favorable, and bill laid on the table
December 14.
- Dec. 3. To amend sections 99 and 100 of an act entitled
"An act to establish revenue laws for the State
Alabama," approved December 31, 1868.
Referred to the committee on Ways and Means
General revenue bill reported and passed Feb-
ruary 21, 1871.

By Mr. WHITE—Continued.

- Dec. 6. To amend section 97 and 98 of an act entitled "An act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to the Committee on Ways and Means. General revenue bill reported and passed February 21, 1871.
- Dec. 13. To amend section 16 of an act entitled "An act for the government of the Bureau of Industrial Resources," approved August 12, 1868. Amended, and referred to the committee on Ways and Means. Report favorable, and bill laid on the table, January 28, 1871.
- Jan. 27. To amend and repeal section 59 of an act entitled "An act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to the committee on Ways and Means. General revenue bill reported and passed February 21.
- Jan. 27. To amend and repeal section 41 of an act entitled "An act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to the Committee on Ways and Means. General revenue bill reported and passed February 21.
- Jan. 27. To define and limit the law in regard to mileage of members of the General Assembly. Substitute adopted. Referred to the committee on Fees and Salaries January 28. Report adverse, and concurred in February 2.
- Feb. 2. To prevent the sale of vinous or spirituous liquors within two miles of the Baptist church in Fayetteville, Talladega county. Referred to the committee on Local Legislation. Report favorable, and bill passed February 13.
- Feb. 7. To reduce the levy of county taxes in the county of Clay. Referred to the committee on Ways and Means. Report favorable, but bill laid on table February 27.

By Mr. WILLIAMS—
1870.

- Dec. 1. To repeal an act to establish public pounds in the county of Montgomery. Ordered to a

By Mr. WILLIAMS—Continued.

- second reading. Referred to the committee on Local Legislation December 3. Report adverse, and concurred in January 30, 1871.
- Dec. 5. To amend section 42 of an act entitled "An act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to the committee on Ways and Means. General revenue bill reported, and bill passed February 21, 1871.
- Dec. 5. To amend section 61 of an act entitled "An act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to committee on Ways and Means. General revenue bill reported, and bill passed February 21, 1871.
- Dec. 5. Amendatory of an act to amend section 16 of the revenue laws of Alabama. Referred to the committee on Ways and Means. General revenue bill reported, and passed February 21.
- Dec. 15. For the protection of the travelling public from indecences and annoyances. Referred to the Judiciary committee.
- Feb. 1. To repeal sections 3602 and 3603 of the Revised Code of Alabama. Laid on the table.
- Feb. 1. To amend section 2315 of the Revised Code of Alabama. Laid on the table.
- March 1. To prevent the selling of spirituous liquors within four miles of Mount Zion, New Lebanon, and Providence churches, in the county of Montgomery. Amended and passed forthwith.
- March 1. To make Susan B. Thomasson, of Baker county, a free-dealer. Passed forthwith.

By Mr. WYMAN—

1870.

- Dec. 1. For the protection of mortgagees and *cestui que trusts*. Ordered to a second reading. Referred to the Judiciary Committee December 20. Report adverse, and concurred in December 14, 1870.
- Dec. 1. To require the county treasurer of Tuskaloosa county to pay the fees of the solicitor of said county, in certain cases. Ordered to a second

By Mr. WYMAN—Continued.

- reading. Referred to the Committee on Fees and Salaries December 2. Report favorable, and bill passed February 2, 1871.
- Dec. 3. To fix the time of holding the chancery courts in the county of Tuskaloosa. Referred to the Committee on Local Legislation. Report favorable, and bill passed December 14.
- Dec. 5. More effectually to prevent the offences of arson and burglary. Referred to the Judiciary Committee. Report adverse, and concurred in January 23, 1871.
- Dec. 13. To relieve Robert R. Varner of the disabilities of non-age. Passed forthwith.
- Dec. 13. To amend the law of partnerships. Referred to the Judiciary Committee.
- Dec. 13. To authorize the Governor to receive the land scrip granted to this State by the act of Congress approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and by the acts supplementary thereto, and to provide for the sale of said land scrip, and for the secure investment of the proceeds of such sale. Referred to the Committee on Education. Report favorable, with amendment, and bill passed January 30, 1871.
- Dec. 13. Presented a petition. Referred to the Committee on Ways and Means. Report adverse, and concurred in January 28, 1871.
- 1871.
- Jan. 22. To amend section 62 of an act entitled "an act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to the Committee on Ways and Means. General revenue bill reported and passed on February 21.
- Jan. 23. To amend an act to amend and continue in force an act to incorporate a company to build a bridge across the Black Warrior river, opposite the town of Tuskaloosa, approved January 2, 1833. Referred to the committee on Internal Improvements.

By Mr. WYMAN—Continued.

Jan. 23. A petition from the citizens of Tuskaloosa county relative to clearing out the Black Warrior river. Referred to the Committee on Internal Improvements.

Jan. 23. To fix the time for the annual meeting of the General Assembly of Alabama. Referred to the Judiciary Committee.

Jan. 23. To amend section 429 of the Revised Code of Alabama. Referred to the Committee on Education. Report favorable, and bill passed January 30.

Feb. 4. (With statement), To supply justices of the peace and notaries public with forms of proceedings. Referred to the Judiciary Committee. Report favorable, bill amended and passed February 21.

Feb. 9. (Reported), For the relief of the Alabama Insane Hospital. Passed forthwith.

Feb. 9. (Reported), Prohibiting the admission of idiots and imbeciles who are not insane, into the Alabama Insane Hospital. Passed forthwith.

Feb. 9. (Reported), To provide for the support of the Alabama Insane Hospital. Passed forthwith.

Feb. 17. To provide for the payment of a debt due from the State of Alabama to the Central Bank of Alabama. Referred to the Judiciary Committee.

March 1. To repeal a certain portion of the school laws. Passed forthwith.

March 6. To exempt the county of Tuskaloosa, from the provisions of "an act to regulate the publication of legal and other notices in the State of Alabama," approved August 12th, 1868; and from the provisions of "an act to amend an act entitled an act to regulate the publication of legal and other notices in the State of Alabama," approved October 10, 1868. Passed forthwith.

INDEX.

ABSENCE, leave of—

Messrs. Alley, 55, 77, 246.
Ashurst, 285, 379.
Black, 67, 179.
Benson, 50.
Boyd, 441.
Bradford, 247, 379.
Bulger, 89, 246.
Bullock, 104.
Callaway, 205, 376.
Clark, 359.
Craig, 50, 179.
Cochran, 89.
Crook, 115.
Curtis, 376.
Davis, 188, 359.
Doster, 21, 379.
Dozier, 77, 188.
Drake, 267.
Ellison, 50, 247.
Etheridge, 85.
Gaskin, 85, 188, 285.
Gee, 285.
Gilchrist, 356.
Graham, 247, 437.
Grayson of Madison, 104, 372.
Green, 77.
Gunn, 440.
Haralson, 179, 285.
Harmount, 444.
Henry, 77.
Hewitt, 441.
Holmes, of Sumter, 117.
Hubbard, 213.

ABSENCE, leave of—

Messrs. Johnson of Coosa, 55.
 King, 55.
 Lewis, 55.
 Lowe, 55.
 Lumpkin, 18, 31.
 McDermott, 50.
 McCall, 179, 453.
 Mancill, 205.
 Mooring, 89, 254, 376.
 Marlowe, 232.
 Murrah, 441.
 Nininger, 55, 89, 246.
 Oates, 116.
 Powell, 50, 378, 444.
 Simms, 31, 89, 188, 379.
 Smith of Sumter, 453.
 Smitherman, 89.
 Speake, 379.
 Speed, 50, 285, 341.
 St. Slair, 246, 359.
 Steele, 441.
 Strauss, 89, 246.
 Strobach, 85.
 Taylor of Winston, 254, 285.
 Toomer, 18, 444.
 Ware, 89, 188.
 White, 104, 410.
 Williams, 123.

APPEALS from decision of Chair—

Mr. Carlin, 63.
 Mr. Harmount, 73.
 Mr. Dustan, 355, 394.

COMMITTEES—

Standing, 16, 37, 66.
 Select, 8, 9, 10, 11, 88, 98, 140, 181, 196, 207,
 245, 273, 282, 298, 331, 373, 380, 405, 452,
 453, 455.
 Joint, 68, 131.

CONVENTION—

Joint, 21, 76, 88.

ELECTIONS—

Of Speaker, 5.
 Of Clerk, 6.
 Of Assistant Clerk, 6.
 Of Engrossing Clerk, 9.
 Of Door-keeper, 7.
 Of United States Senator, 70, 76.
 Of State Printer, 88.
 Of temporary Speaker, 141.

MESSAGES—

From the Governor, 36, 44, 101, 136, 154,
 171, 174, 205, 222, 264, 266, 279, 288, 296,
 297, 304, 311, 314, 337, 367, 392, 402, 420,
 427, 438, 448, 458, 467, 473, 480, 485.
 From the Senate, 15, 16, 17, 21, 69, 77, 79,
 86, 93, 97, 102, 106, 112, 113, 121, 122,
 131, 132, 138, 149, 151, 174, 179, 184, 187,
 189, 193, 196, 202, 210, 218, 222, 228, 231,
 244, 266, 271, 278, 282, 285, 290, 298, 301,
 311, 314, 322, 323, 328, 331, 337, 340, 347,
 362, 370, 375, 380, 382, 390, 391, 396, 403,
 411, 423, 427, 434, 441, 442, 445, 449, 453,
 462, 469, 471, 476.

MOTIONS.

To AMEND—

Messrs. Ashurst, 412, 468.
 Black, 273.
 Bradford, 113, 181, 327, 379, 459.
 Boyd, 89, 211, 233, 265, 305, 327, 335,
 347, 350, 398, 407, 418, 429, 484.
 Bulger, 88, 103, 186, 193, 274, 278,
 306, 326, 327, 346, 352, 390, 428.
 Bullock, 90, 281.
 Callaway, 484.
 Carlin, 267, 370.
 Carmichael, 80, 84, 284, 305, 327, 335,
 404.
 Cochran, 185.
 Davis, 80, 251.
 Dustan, 17, 118, 126, 178, 307, 351,
 362, 380.

MOTIONS.

To AMEND—Continued.

Messrs. Duskin, 233, 326.

Doster, 361.

Graham, 17.

Gilchrist, 327.

Grayson of Madison, 53, 55, 255, 326.

Gunn, 229, 265.

Haralson, 17, 256, 257, 281, 306.

Harmount, 8, 11, 33, 55, 118, 125, 133,
139, 169, 339, 403, 430.

Henderson, 327.

Henry, 211, 380, 446, 484.

Hewitt, 9, 43, 49, 59, 93, 113, 138,
140, 177, 185, 187, 219, 233, 299,
313, 323, 343, 348, 363, 367, 369,
372, 381, 398, 405, 412, 426.

Holmes of Baldwin, 111.

Hurt, 12, 80.

Kennedy, 306.

Leath, 136, 327, 403, 446.

Lewis, 286, 327, 344, 374.

Lindsay, 111.

Lowe, 90, 283, 361, 366, 398.

McCall, 178, 407.

McCaskey, 362, 363.

Mancill, 344.

Marlowe, 129, 255.

Moore, 131, 274, 299, 326, 337, 342,
403, 416.Oates, 44, 88, 112, 129, 130, 143, 153,
257, 299, 301, 343, 366.

Payne, 345.

Perrin, 179.

Powell, 403, 416, 465, 466.

Rice, 344, 458.

Semmes, 139, 211, 335, 369, 402.

Smith of Choctaw, 113, 133, 181, 233,
428.

Smith of Greene, 306.

Steele, 286, 429.

Strobach, 9, 34, 115, 125, 170, 181,
192, 212, 263, 281, 282, 325, 327,
342, 426, 431, 444.

MOTIONS.

To AMEND—Continued.

Messrs. Taylor of Lauderdale, 128, 307, 313,
466.

Thompson, 139, 281.

Toomer, 128, 257, 306, 320, 331, 342,
353, 358, 366, 403, 404, 412, 429,
439.

Williams, 59, 220.

White, 185.

Wyman, 139, 181, 265.

To POSTPONE INDEFINITELY—

Messrs. Boyd, 327, 343, 464.

Bullock, 250.

Green, 171.

Haralson, 139.

Hewitt, 365, 396.

Lowe, 262.

Marlowe, 188.

Moore, 416.

Mooring, 359.

Smith of Greene, 477.

Strobach, 194, 363, 299.

Thompson, 282, 500.

To POSTPONE TO A CERTAIN DAY—

Messrs. Boyd, 341, 412, 465, 474.

Bulger, 150.

Bullock, 126.

Dustan, 129.

Ellison, 355.

Haralson, 378.

Hewitt, 196.

Oates, 278.

Rice, 133.

Smith of Sumter, 427.

Strobach, 126, 267.

Thompson, 144, 389.

To ADJOURN—

Messrs. Alley, 188, 368, 409.

Black, 394, 460.

Boyd, 284, 344, 356, 427.

MOTIONS.

To ADJOURN—Continued.

Messrs. Bradford, 359.

Bulger, 31, 44, 280, 443.

Carlin, 308, 335, 458.

Cochran, 308.

Crook, 7, 32.

Dustan, 59, 308, 355.

Ellison, 335.

Gaskin, 332.

Grayson of Madison, 484.

Greene, 327, 389, 417.

Haralson, 50, 60, 132, 141, 172, 173,
179, 188, 254, 260, 267, 274, 395,
450, 467.

Harmount, 89, 115, 127.

Henderson, 179.

Henry, 458.

Hewitt, 55, 199, 304, 343, 432.

Johnson of Coosa, 413.

Leath, 207, 247.

Marlowe, 63.

Mancill, 98.

Moore, 36, 214.

Oates, 5, 11, 107, 359.

Perrin, 440.

Powell, 205.

Rice, 332.

Stanwood, 59, 86.

Strobach, 60, 309, 370, 436, 443.

Smith of Choctaw, 286, 340.

Smith of Greene, 5, 77.

Smith of Sumter, 427.

Thompson, 267.

Toomer, 18, 68, 71, 80, 150, 305, 306,
313, 355, 405, 409, 476.

White, 223.

Williams, 62.

To MAKE SPECIAL ORDER—

Messrs. Boyd, 142, 253, 416, 417.

Bulger, 205, 206, 343, 358, 412, 418.

Carmichael, 214.

MOTIONS.

TO MAKE SPECIAL ORDER—Continued.

Messrs. Harmount, 85, 89, 417.
 Lewis, 286.
 Lowe, 437.
 Marlowe, 389.
 Oates, 196, 337.
 Semmes, 265.
 Smith of Choctaw, 114, 252.
 Strobach, 201.
 Taylor of Lauderdale, 171.
 Wyman, 112, 409.

TO PRINT—

Messrs. Ashurst, 401.
 Bulger, 329.
 Harmount, 417.
 Hewitt, 174.
 Lindsay, 35.
 Lowe, 437.
 Marlowe, 389.
 Oates, 37.
 Thompson, 144, 389.
 Toomer, 104.

TO RECONSIDER—

Messrs. Alley, 452.
 Appleton, 407.
 Black, 408.
 Box, 232.
 Boyd, 284, 370.
 Bradford, 326, 342.
 Bulger, 60.
 Bullock, 218.
 Carmichael, 254, 366.
 Cochran, 131.
 Davis, 441, 478.
 Doster, 12.
 Haralson, 413.
 Harmount, 92.
 Hewitt, 171, 221, 252, 404, 405.
 Hodo, 456.
 Howell, 230.

MOTIONS.

TO RECONSIDER—Continued.

Messrs. Hurt, 170.

Lewis, 54, 361, 402.

Lowe, 186.

Marlowe, 440.

Murrah, 199.

Oates, 44.

Semmes, 80, 233, 411.

Smith of Choctaw, 313, 328.

Smith of Greene, 127.

Strobach, 64, 123, 207, 444, 485.

Toomer, 251, 441, 462.

Toulmin, 254.

White, 295.

Wyman, 380.

PREVIOUS QUESTION—

Messrs. Alley, 417.

Bullock, 75, 450.

Carmichael, 108.

Dustan, 69.

Harmount, 79, 122.

Hewitt, 62, 96, 182, 233, 355.

Lewis, 122.

Lowe, 282.

McCall, 126.

Oates, 338.

Powell, 129.

Smith, of Sumter, 444.

White, 299.

TO LAY ON THE TABLE—

Messrs. Alley, 100.

Black, 100, 103, 173, 324, 351, 403,
444.Boyd, 65, 89, 90, 127, 129, 170, 192,
212, 287, 325, 361, 403, 405, 483.

Bradford, 138, 352, 363, 454.

Bulger, 112, 122, 139, 219, 232, 301,
313, 337, 362, 458, 471, 483.

Carlin, 366, 370.

Carmichael, 306, 356, 376.

MOTIONS.

TO LAY ON THE TABLE—Continued.

Messrs. Clements, 336.

Cochran, 111, 373, 394.

Crook, 274, 283.

Dustan, 62, 122, 123, 329, 337, 379,
439, 443, 445, 460.

Ellison, 126, 133.

Gaskin, 265, 267, 329, 339.

Grayson, of Madison, 336.

Gunn, 343.

Haralson, 60, 194, 418, 445.

Harmount, 90, 93, 125, 138, 178, 188,
233, 262, 399.

Henderson, 199.

Hamilton, 360.

Hewitt, 34, 72, 108, 145, 172, 178,
181, 219, 233, 306, 326, 343, 348,
380, 404, 426.

Howell, 279.

Johnson of Dallas, 131.

Johnson of Coosa, 254, 393.

Leath, 389.

Lewis, 49, 79, 133, 176, 179, 181.

Lowe, 267.

McCall, 118.

Moore, 188, 416.

Murrah, 288.

Oates, 149, 197, 269, 281, 299, 306,
307, 369.

Perrin, 211, 213, 228, 339.

Raisler, 230.

Rice, 305, 306, 308.

Smith, of Choctaw, 313, 326.

Smith, of Greene, 212, 426.

Smith, of Sumter, 379.

Semmes, 139, 363.

Speake, 305, 327.

Speed, 139.

Strobach, 68, 132, 133, 147, 169, 185,
265, 300, 325, 328, 378, 380, 381,
486, 465, 471.

MOTIONS.

TO LAY ON THE TABLE—Continued.

Messrs. Taylor of Lauderdale, 198, 233, 324,
412.

Toomer, 111, 115, 220, 484.

White, 397.

Williams, 454, 465,

Wyman, 483.

PROTESTS—

Messrs. Harmount, 34, 39.

Strobach, 34, 72.

Marlowe, 39.

Henderson, 39.

Perrin, 39.

Gee, 39.

Johnson, 39.

Carlin, 39.

Nininger, 39.

Gaskins, 39.

Black, 39.

Clark, 39.

Diggs, 39.

McCasky, 39.

Williams, 39.

Taylor, of Winston, 39.

REPORTS OF STANDING COMMITTEES—

JUDICIARY—

Mr. Toulmin, 91, 92, 112, 113, 114, 170, 171,
172, 178, 273, 275, 276, 277, 278, 281, 301,
302, 303, 342, 343, 346, 369, 373, 374, 468,
469, 483.

Mr. Oates, 150, 151, 152, 177, 197.

Mr. Bulger, 391, 395.

Mr. Powell, 357.

Mr. Lewis, 198, 245, 259, 260, 264, 265,

REVISION OF THE LAWS—

Mr. Carmichael, 251, 252, 253, 375.

Mr. Bradford, 341, 447, 455, 460.

Mr. Boyd, 483.

Mr. Hodo, 468.

REPORTS OF STANDING COMMITTEES.

LOCAL LEGISLATION—

Mr. Moon, 107, 115, 116, 180, 206, 207, 246,
265, 266, 272, 291, 292, 293, 294, 295,
359, 376, 377, 378, 437, 438.
Mr. Black, 296, 297.

CORPORATIONS—

Mr. Lewis, 103, 114, 201, 250, 322, 348, 357,
358, 372, 393, 394, 407, 408, 482.

COUNTIES AND COUNTY BOUNDARIES.

Mr. Moore, 460, 461.

WAYS AND MEANS—

Mr. Oates, 84, 85, 153, 197, 199, 200, 259, 260,
348, 381.
Mr. Smith of Choctaw, 332, 333, 405, 406.
Mr. Strauss, 397, 406, 481.
Mr. Moore, 392.
Mr. Hurt, 482.

APPROPRIATIONS—

Mr. Hurt, 437.

PUBLIC ROADS AND HIGHWAYS—

Mr. Payne, 250, 251.

ACCOUNTS AND CLAIMS—

Mr. Grayson of Clarke, 250, 270.

PRIVILEGES AND ELECTIONS—

Mr. Smith of Sumter, 40, 73, 93, 94, 104, 203,
382, 390, 415.
Mr. Strobach, 75, 106.
Mr. Lowe, 95.
Mr. Semmes, 95.
Mr. Taylor of Lauderdale, 105.
Mr. Henderson, 383.

AGRICULTURE AND COMMERCE—

Mr. Henry, 206, 437.

MILITARY—

Mr. Toomer, 322.

REPORTS OF STANDING COMMITTEES.

INTERNAL IMPROVEMENTS—

Mr. Lowe, 204, 205, 206, 287, 412, 413, 415,
416, 436, 437, 468, 481.
Mr. Carmichael, 339.

EDUCATION —

Mr. Wyman, 115, 202, 203, 322, 341, 379, 408,
409, 414, 481.

CAPITOL—

Mr. Strobach, 257, 445.

FEES AND SALARIES—

Mr. Box, 116, 229, 439.

ENROLLED BILLS—

Mr. Powell, 134, 173, 177, 185, 189, 204, 219,
267, 273, 274, 280, 298, 321, 331, 425, 432,
435, 474, 479.
Mr. Rice, 229, 230, 231, 250, 296, 310, 332,
336, 347, 358, 359, 382, 391, 396, 443, 453,
464.

REPORTS OF SELECT COMMITTEES—

Messrs. Ashurst, 399, 412.
Box, 392.
Boyd, 229, 280, 298.
Bradford, 143, 233, 280.
Bulger, 87, 101, 373, 446.
Carmichael, 142.
Clements, 358.
Crook, 470.
Hewitt, 269.
Hurt, 417.
Leath, 390, 455.
Lewis, 60.
Moore, 472, 477.
Murrah, 41.
Oates, 14.
Rice, 15.
Smith of Choctaw, 278, 417.
Smith of Sumter, 437.
Strobach, 131, 345.

REPORTS OF SELECT COMMITTEES—Continued.

Messrs. Toomer, 11, 357, 358, 366, 413, 420,
482.

Ware, 435.

Wyman, 268.

RESOLUTIONS—

Messrs. Ashurst, 455.

Black, 173,

Boyd, 53, 145, 303, 485.

Bradford, 85, 101, 123.

Bulger, 49, 78, 97, 246, 410.

Bullock, 132, 145, 426.

Carlin, 59, 176.

Carmichael, 52, 117, 223.

Crook, 9, 102.

Doster, 8, 10, 329.

Dustan, 8.

Gunn, 287.

Harmount, 300.

Henry, 443.

Hewitt, 10, 20, 53, 69.

Hodo, 10.

Hubbard, 133.

Hurt, 257.

Lewis, 10, 32, 57, 69, 133, 187, 245,
287, 453.

Lowe, 53, 243, 272, 273, 278.

Marlowe, 142.

McCall, 39, 53, 128.

Moore, 16, 110, 176, 200, 213.

Murrah, 9, 10, 53, 182.

Oates, 8, 14, 47, 199, 331.

Powell, 213.

Smith of Choctaw, 141.

Smith of Greene, 169, 379, 454.

Smith of Sumter, 53, 367.

Speake, 263.

Steele, 87, 169.

Strobach, 7, 49, 65, 72, 79, 126, 133,
169, 371.

Thompson, 117, 262, 269.

Taylor of Lauderdale, 70.

RESOLUTIONS—Continued.

Messrs. Toomer, 8, 11, 59, 360, 484.

Toulmin, 40, 368.

Williams, 18.

Wyman, 175.

RULES, NEW—

Messrs. Oates, 39.

Gunn, 300.

Wyman, 300.

Bulger, 314.

YEAS AND NAYS, 32, 33, 34, 35, 46, 49, 62, 63, 64, 65, 68, 72, 73, 75, 85, 90, 96, 97, 103, 108, 109, 122, 126, 138, 149, 153, 172, 175, 178, 199, 212, 218, 220, 231, 246, 257, 258, 265, 267, 269, 274, 276, 277, 284, 299, 306, 307, 308, 309, 310, 324, 325, 326, 328, 329, 330, 334, 339, 343, 355, 356, 361, 363, 364, 365, 368, 374, 381, 389, 394, 398, 406, 410, 411, 412, 417, 418, 426, 436, 440, 442, 444, 445, 465, 466, 468, 471, 472, 478, 450, 454, 456, 460, 462, 464, 482, 484.

OFFICERS AND MEMBERS

OF THE

GENERAL ASSEMBLY OF ALABAMA,

SESSION OF 1870-71.

NAME.	POST OFFICE.	COUNTY.
Moren, E. H., Lt. Gov., Pres. Senate.	Centreville	Bibb.
Blue, M. P., Secretary	Montgomery	Montgomery.
Whiting, D. C., Assistant Sec'y	Decatur	Morgan.
Dereen, J. W., Engrossing Clerk	Demopolis	Marengo.
Dupree, Mrs. L. L., Ass't En. Cl'k	Montgomery	Montgomery.
Danner, J. L. C., Enrolling Clerk	do	do
Farden, J. E., Ass't En. Clerk	do	do
Yarrington, G. E., Serg't-at-Arms	Mobile	Mobile.
Carter, W. D., Door-keeper	Montgomery	Montgomery.
Page, T., Door-keeper of Gallery	do	do
Blue, Neil W., Page	do	do
Carter, Eugene, "	do	do
Wilcox, J. C., Messenger	do	do
Allen, Elias, Hall Attendant	do	do
Peace, Moses, " "	do	do
Barr, R. N.	Claiborne	Monroe.
Bromberg, F. G.	Mobile	Mobile.
Buckley, W. M.	Hayneville	Lowndes
Coon, D. E.	Selma	Dallas.
Farden, J. A.	Montgomery	Montgomery.
Foster, J. T.	Butler	Choctaw.
Glass, W. W.	Society Hill	Macon.
Hinds, J. J.	Decatur	Morgan.
Johnston, B.	Greensboro	Hale.
Jones, W. B.	Demopolis	Marengo.
King, Philip	Haw Ridge	Dale.
Lambert, Thomas	Mt. Olive	Coosa.

NAME.	POST OFFICE.	COUNTY.
Lentz, Benjamin.....	Lentzville.....	Limestone.
McAfee, G. T.....	Talladega.....	Talladega.
McIntosh, A. M.....	Eutaw.....	Greene.
Mabry, J. W.....	Clayton.....	Barbour.
Mahan, J. W.....	Brierfield.....	Bibb.
Martin, W. B.....	Girard.....	Russell.
Miller, Wm, jr.....	Greenville.....	Butler.
Oliver, John.....	Round Pond.....	Jefferson.
Pennington, J. L.....	Opelika.....	Lee.
Richards, J. DeF.....	Tuskaloosa.....	Tuskaloosa.
Royal, B. F.....	Union Springs.....	Bullock.
Sanford, H. C.....	Spring Garden.....	Cherokee.
Sevier, D. V.....	Frankfort.....	Franklin.
Sibley, Isaac D.....	Huntsville.....	Madison.
Steward, T. C.....	Marion.....	Perry.
Stow, J. P.....	Montgomery.....	Montgomery.
Wise, H. H.....	Arbacoochee.....	Cleburne.
Whitney, C. O.....	Chattanooga, Te.....	Jackson.
Worthy, A. N.....	Troy.....	Pike.
Yordy, J. A.....	Mobile.....	Mobile.

NAMES

OF

Representatives, &c., and their Post-Offices.

NAME.	POST-OFFICE.	COUNTY.
Hubbard, J. P., Speaker.....	Troy.....	Pike.
Ellis Phelan, Clerk of House....	Elyton.....	Jefferson.
Chas. F. Ashurst, Ass't Clerk....	Tallassee	Tallapoosa.
Thomas Taylor, Engrossing Clerk..	Yongesboro	Lee.
S. B. Brewer, Journal Clerk....	Montgomery	Montgomery.
Robert C. Clark, Door-keeper..	Wetumpka	Elmore.
Alley, Wm.....	Tuskegee	Macon.
Appleton, J. B.....	Collinsville.....	DeKalb.
Ashurst, J. F.....	Tallassee.....	Tallapoosa.
Bassett, W. W.....	St. Stephens.	Washington.
Benson, B. F.....	Wetumpka.....	Elmore.
Black, Jacob.....	Eufaula	Barbour.
Box, L. F.....	Ashville.....	St. Clair.
Boyd, R. K.....	Guntersville....	Marshall.
Bradford, Taul.....	Talladega.....	Talladega.
Bulger, W. D.....	Dadeville	Tallapoosa.
Bullock, J. M.....	Eutaw.....	Greene.
Callaway, M. P.....	Rutledge.....	Crenshaw.
Carlin, L. C.....	Demopolis.....	Marengo.
Carmichael, J. M.....	Ozark.....	Dale.
Clark, T. J.....	Clayton.....	Barbour.
Clements, N. N.....	Tuskaloosa	Tuskaloosa.
Cochran, H.....	Selma.....	Dallas.
Cowan, H.....	Princeton.....	Jackson.
Craig, H. H.....	Montgomery.	Montgomery.
Crook, James.....	Jacksonville	Calhoun.
Curtis, A. H.....	Marion	Perry.
Davis, J. H.....	Roanoke	Randolph.
Diggs, T. H.....	Eufaula.....	Barbour.
Doster, C. S. G.....	Prattville	Autauga.
Dozier, John.....	Uniontown.....	Perry.

NAME.	POST OFFICE.	COUNTY.
Drake, Geo. M.	Union Springs	Bullock.
Duskin, George.	Greensboro	Hale.
Dustan, C. W.	Demopolis	Marengo.
Ellison, J. H.	Mobile	Mobile.
Etheridge, J. M.	Belleville	Conecuh.
Gaskin, W. G.	Manack	Lowndes.
Gee, Ned.	Orrville	Dallas.
Gilchrist, R. P.	Courtland	Lawrence.
Graham, J. H.	Marion	Perry.
Grayson, H. C.	Grove Hill	Clark.
Grayson, J. W.	Huntsville	Madison.
Green, J. K.	Greensboro	Hale.
Gunn, J.	Trinity	Morgan.
Hamilton, A. J.	Pikeville	Marion.
Haralson, Jerry	Selma	Dallas.
Harmount, G. A.	Montgomery	Montgomery.
Henderson, W.	Prairie Bluff	Wilcox.
Henry, B. M.	Villula	Russell.
Hewitt, G. W.	Elyton	Jefferson.
Hitchcock, A. H.	Fayetteville	Talladega.
Hodo, D. C.	Carrollton	Pickens.
Holmes, O. S.	Montgomery Hill	Bladwin.
Holmes, J. H.	Gaston	Sumter.
Howell, W. P.	Oak Level	Cleburne.
Hurt, W. F.	Bellefont	Jackson.
Johnson, W. L.	Nixburg	Coosa.
Johnson, R. L.	Selma	Dallas.
Kennedy, W. H.	Millport	Sanford.
King, H.	Columbus, Ga.	Russell.
Leath, J. H.	Center	Cherokee.
Lewis, B. B.	Montevallo	Shelby.
Lindsay, J. M.	Monroeville	Mouroe.
Lowe, W. M.	Huntsville	Madison.
Lumpkin, R. B.	LaFayette	Chambers.
McCall, D. A.	Union Springs	Bullock.
McCaskey, T. G.	Prairie Bluff	Wilcox.
McDermott, James	Mobile	Mobile.
Mancill, E. J.	Andalusia	Covington.
Marlowe, G. W.	Selma	Dallas.
Miller, L. C.	Holly Grove	Walker.
Moore, J. G.	Elba	Coffee.
Mooring, A. J.	Gainesville	Sumter.
Murrah, Wm.	Columbus	Mississippi.
Nininger, John	Hayneville	Lowndes.
Oates, W. C.	Abbeville	Henry.

NAME.	POST OFFICE.	COUNTY.
Payne, A. P.	Summit	Blount.
Perrin, J. S.	Camden	Wilcox.
Powell, J. L.	Greenville	Butler.
Raisler, C. W.	Athens	Limestone.
Rice, F.	Flint Factory	Madison.
Semmes, O. J.	Mobile	Mobile.
Simms, J. M.	Salem	Lee.
Smith, G. F.	Butler	Choctaw.
Smith, J. G.	Eutaw	Greene.
Smith, E. W.	Livingston	Sumter.
Smitherman, T. J.	Centreville	Bibb.
Speake, J. B.	Danville	Lawrence.
Speed, L. S.	Union Springs	Bullock.
St. Clair, Henry	Tuskegee	Macon.
Steele, John A.	Tuscumbia	Colbert.
Strauss, Nat	Mobile	Mobile.
Strobach, Paul	Montgomery	Montgomery.
Taylor, B. F.	Centre Station	Lauderdale.
Taylor, John	Littleville	Winston.
Thompson, Holland	Montgomery	Montgomery.
Toomer, Sheldon	Opelika	Russell.
Toulmin, H. T.	Mobile	Mobile.
Ware, J.	Chambers Court-house.	
Weatherford, W. W.	Frankfort	Franklin.
Wells	Dayton	Marengo.
White	Ashland	Clay.
Williams	Montgomery	Montgomery.
Wyman	Tuskaloosa	Tuskaloosa.